

Order Type:
Agreed Order

Findings Order Justification:
N/A

Media:
MLM – industrial hazardous waste, used oil, underground injection well

Small Business:
N/A

Location(s) Where Violation(s) Occurred:
6224 Brodnax Lane, San Angelo, Tom Green County

Type of Operation:
warehouse

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: April 1, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$ 7,811

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$251

Total Due to General Revenue: \$7,560

Payment Plan: 35 payments of \$216 each

SEP Conditional Offset: N/A

Name of SEP: N/A

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

RN105777072

Docket No. 2009-1650-MLM-E

Investigation Information

Complaint Date: N/A
Complaint Information: N/A
Date of Investigation: July 20, 2009
Date of NOV: N/A
Date of NOE: August 29, 2009

Violation Information

1. Failed to obtain authorization for an underground injection well [30 TEX. ADMIN. CODE §§ 331.3(a) and 331.7(a) and 40 C.F.R. § 144.11].
2. Failed to submit the appropriate inventory information to the TCEQ [30 TEX. ADMIN. CODE § 331.10 (d) and (e)].
3. Failed to prevent the unauthorized discharge of an industrial hazardous waste [30 TEX. ADMIN. CODE § 335.4]
4. Failed to prevent the unauthorized discharge of used oil [30 TEX. ADMIN. CODE § 324.4(1)]

Corrective Actions/Technical Requirements

Corrective Action Completed:

N/A

Technical Requirements:

1. Immediately cease additional disposal in the Class V injection well.
2. Within 15 days, submit a completed TCEQ Class V Injection Well Inventory/Authorization Form (TCEQ Form 10338).
3. Within 30 days, submit a plan and schedule for closure of the Class V injection well for review, possible modification, and approval. Upon approval, the time frames set forth in the plan and schedule shall be incorporated as part of the Order.
4. Within 60 days, remove all materials from the Class V injection well and dispose of the materials at an authorized facility.
5. Within 75 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: January 7, 2010; June 30, 2010; March 2, 2011
Date Answer(s) Filed: February 10, 2010
SOAH Referral Date: March 16, 2010
Hearing Date(s):
Preliminary hearing: April 22, 2010 (waived)
Evidentiary hearing: September 23, 2010 (continued to February 17, 2011; abated indefinitely on February 15, 2011)
Settlement Date: March 17, 2011

Contact Information

TCEQ Attorneys: Ms. Stephanie Frazee, Litigation Division, MC 175, (512) 239-3400
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Mr. Clinton Sims, Waste Enforcement Section, (512) 239-6933

TCEQ Regional Contact: Mr. Christopher Mayben, P.G., San Angelo Regional Office, (325) 655-9479

Respondent: Mr. Wayman Grigson, Teacher's Row House #3, Rocksprings, Texas 78880

Respondent's Attorney: Mr. Jody Fauley, 430 West Beauregard, Suite B, San Angelo, Texas 76903

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Sep-2009	Screening	23-Sep-2009	EPA Due	
	PCW	12-Oct-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wayman Grigson, Executor of the Imogene Grigson Holloway Estate
Reg. Ent. Ref. No.	RN105777072
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	38508	No. of Violations	3	
Docket No.	2009-1650-MLM-E	Order Type	1660	
Media Program(s)	Underground Injection Control	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Ross Fife	
		EC's Team	Enforcement Team 6	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments for compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$764
 Approx. Cost of Compliance: \$3,050
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	10.6%	Adjustment	\$686
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost associated with violation 1.

Final Penalty Amount	\$7,186
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,186
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$7,186
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Screening Date 23-Sep-2009

Docket No. 2009-1650-MLM-E

PCW

Respondent Wayman Grigson, Executor of the Imogene Grigson Holl

Policy Revision 2 (September 2002)

Case ID No. 38508

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105777072

Media [Statute] Underground Injection Control

Enf. Coordinator Ross Fife

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustments for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 23-Sep-2009 **Docket No.** 2009-1650-MLM-E **PCW**
Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estat *Policy Revision 2 (September 2002)*
Case ID No. 38508 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105777072
Media [Statute] Underground Injection Control
Enf. Coordinator Ross Fife

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 331.3(a) and 331.7(a) and 40 Code of Federal Regulations § 144.11
Violation Description Failed to obtain authorization for an underground injection well. Specifically, the Respondent owns an unauthorized Class V injection well (subsurface drain field associated with septic tank).
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
<input type="text" value="100% of the rule requirement was not met."/>					
Adjustment					<input type="text" value="\$9,000"/>

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	
Violation Subtotal <input type="text" value="\$3,000"/>		

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate
Case ID No. 38508
Reg. Ent. Reference No. RN105777072
Media Underground Injection Control
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	9-Jan-2003	20-Jul-2009	7.45	\$186	\$500	\$686
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated annualized avoided cost to prepare and submit an application and obtain an authorization for the Class V Injection Well. The Date Required is the date authorization was required. The Final Date is the investigation date.

Approx. Cost of Compliance

\$500

TOTAL

\$686

Screening Date 23-Sep-2009 **Docket No.** 2009-1650-MLM-E **PCW**
Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate *Policy Revision 2 (September 2002)*
Case ID No. 38508 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105777072
Media [Statute] Underground Injection Control
Enf. Coordinator Ross Fife

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirement was not met."/>					
Adjustment					<input type="text" value="\$9,000"/>

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate
Case ID No. 38508
Reg. Ent. Reference No. RN105777072
Media Underground Injection Control
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	20-Jul-2009	1-Mar-2010	0.61	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit inventory information. The date required is the investigation date. The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 23-Sep-2009 **Docket No.** 2009-1650-MLM-E **PCW**
Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate *Policy Revision 2 (September 2002)*
Case ID No. 38508 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105777072
Media [Statute] Underground Injection Control
Enf. Coordinator Ross Fife

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 335.4
Violation Description Failed to prevent the unauthorized discharge of an industrial hazardous waste. Specifically, sample results taken from the oil/water separator had lead levels as high as 251 milligrams per liter ("mg/l"), which exceeds the 5 mg/l level for hazardous waste set by the Environmental Protection Agency. Also, samples from the oil/water separator had Total Petroleum Hydrocarbon levels as high as 435,000 milligrams per kilogram ("mg/kg"), which exceed the 11,919 mg/kg set by the Texas Risk Reduction Program requirements.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		25%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the July 20, 2009 investigation date to the September 23, 2009 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$77 **Violation Final Penalty Total** \$2,764

This violation Final Assessed Penalty (adjusted for limits) \$2,764

Economic Benefit Worksheet

Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate
Case ID No. 38508
Reg. Ent. Reference No. RN105777072
Media Underground Injection Control
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	20-Jul-2009	1-Mar-2010	0.61	\$77	n/a	\$77
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of waste from the septic tank. The date required is the investigation date. The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$77



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Sep-2009			
	PCW	12-Oct-2009	Screening	23-Sep-2009	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Wayman Grigson, Executor of the Imogene Grigson Holloway Estate				
Reg. Ent. Ref. No.	RN105777072				
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	38508	No. of Violations	1		
Docket No.	2009-1650-MLM-E	Order Type	1660		
Media Program(s)	Used Oil	Government/Non-Profit	No		
Multi-Media	Underground Injection Control	Enf. Coordinator	Ross Fife		
		EC's Team	Enforcement Team 6		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$2,500	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$625
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments for compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$78
 Approx. Cost of Compliance: \$2,550
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$625
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$625
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Screening Date 23-Sep-2009

Docket No. 2009-1650-MLM-E

PCW

Respondent Wayman Grigson, Executor of the Imogene Grigson Holl

Policy Revision 2 (September 2002)

Case ID No. 38508

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105777072

Media [Statute] Used Oil

Enf. Coordinator Ross Fife

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	23-Sep-2009	Docket No.	2009-1650-MLM-E	PCW
Respondent	Wayman Grigson, Executor of the Imogene Grigson Holloway Estat			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38508			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN105777072			
Media [Statute]	Used Oil			
Enf. Coordinator	Ross Fife			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 324.4(1)			
Violation Description	Failed to prevent the unauthorized discharge of used oil, as documented during an investigation conducted on July 20, 2009. Specifically, samples from the septic tank showed that oil had been discharged into the septic tank.			
		Base Penalty	\$2,500	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$1,875

\$625

Violation Events

Number of Violation Events	1	65	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
		Violation Base Penalty	\$625

One quarterly event is recommended from the July 20, 2009 investigation date to the September 23, 2009 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$625

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount	\$77	Violation Final Penalty Total	\$625
This violation Final Assessed Penalty (adjusted for limits)		\$625	

Economic Benefit Worksheet

Respondent Wayman Grigson, Executor of the Imogene Grigson Holloway Estate
Case ID No. 38508
Reg. Ent. Reference No. RN105777072
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	20-Jul-2009	1-Mar-2010	0.61	\$77	n/a	\$77
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of waste from the septic tank. The date required is the investigation date.
The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$77

Compliance History

Customer/Respondent/Owner-Operator: CN603809419 Wayman Grigson Classification: Rating:
Regulated Entity: RN105777072 6224 BRODNAX LANE TOM GREEN Classification: Site Rating:
COUNTY
ID Number(s):
Location: 6224 BRODNAX LANE, SAN ANGELO, TX, 76904
TCEQ Region: REGION 08 - SAN ANGELO
Date Compliance History Prepared: February 15, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 15, 2006 to February 15, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Clinton Sims Phone: (512) 239-6933

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN § **BEFORE THE**
ENFORCEMENT ACTION §
CONCERNING §
WAYMAN GRIGSON, EXECUTOR OF § **TEXAS COMMISSION ON**
THE IMOGENE GRIGSON §
HOLLOWAY ESTATE; §
RN105777072 § **ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2009-1650-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Wayman Grigson, Executor of the Imogene Grigson Holloway Estate¹ ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 27 and TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent appear before the Commission and together stipulate that:

1. Respondent owns a warehouse located at 6224 Brodnax Lane in San Angelo, Tom Green County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facility involves the management and/or disposal of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371. The Facility involves the disposal of waste, other than "oil and gas waste" as defined by TEX. WATER CODE § 27.002(6), by means of injection as defined by TEX. WATER CODE ch. 27.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 27, TEX. HEALTH & SAFETY CODE chs. 361 and 371, and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

¹ "It has been long settled that the 'estate' of a decedent is not a legal entity and may not sue or be sued as such. A suit seeking to establish the liability of an estate should be filed against the personal representative or, in certain circumstances, the heirs or beneficiaries." *Miller v. Estate of Self*, 113 S.W.3d 554, 556 (Tex. App. – Texarkana 2003) (internal citations omitted).

5. An administrative penalty in the amount of seven thousand eight hundred eleven dollars (\$7,811.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two hundred fifty-one dollars (\$251.00) of the administrative penalty. The remaining amount of seven thousand five hundred sixty dollars (\$7,560.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred sixteen dollars (\$216.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on July 20, 2009, a TCEQ San Angelo Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE §§ 331.3(a) and 331.7(a) and 40 C.F.R. § 144.11 by failing to obtain authorization for an underground injection well. Specifically, Respondent owns an unauthorized Class V injection well (subsurface drain field associated with a septic tank), which is located at the Facility;
 - b. 30 TEX. ADMIN. CODE § 331.10(d) and (e) by failing to submit the appropriate inventory information to the TCEQ. Specifically, Respondent did not submit a TCEQ Class V Injection Well Inventory/Authorization Form (TCEQ Form 10338);

- c. 30 TEX. ADMIN. CODE § 335.4 by failing to prevent the unauthorized discharge of an industrial hazardous waste. Specifically, sample results taken from the oil/water separator, which is connected to the septic tank, had lead levels as high as 251 milligrams per liter ("mg/L"), which exceed the 5 mg/L level for hazardous waste set by the Environmental Protection Agency. Also, samples from the oil/water separator had Total Petroleum Hydrocarbon levels as high as 435,000 milligrams per kilogram ("mg/kg"), which exceed the 11,919 mg/kg level set by the Texas Risk Reduction Program requirements; and
 - d. 30 TEX. ADMIN. CODE § 324.4(1) by failing to prevent the unauthorized discharge of used oil. Specifically, samples from the septic tank showed that oil had been discharged into the septic tank.
2. Respondent received notice of the violations on or about September 3, 2009.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph No. 5. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Wayman Grigson, Executor of the Imogene Grigson Holloway Estate, Docket No. 2009-1650-MLM-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

2. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Respondent shall cease additional disposal in the Class V injection well (Allegations 1.c. and 1.d.).
 - b. Within 15 days after the effective date of this Agreed Order, Respondent shall submit a completed TCEQ Class V Injection Well Inventory/Authorization Form (TCEQ Form 10338) (Allegation 1.b.) to:

Underground Injection Control Program, MC 130
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 30 days after the effective date of this Agreed Order, Respondent shall submit a plan and schedule for closure of the Class V injection well in accordance with 30 TEX. ADMIN. CODE § 331.133, for review, possible modification, and approval. Upon approval, the time frames set forth in the plan and schedule shall be incorporated as part of this Agreed Order (Allegation 1.a.). The plan and schedule shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Underground Injection Control Program, MC 130
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and:

Environmental Cleanup, MC 137 or 221
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 60 days after the effective date of this Agreed Order, Respondent shall remove all materials from the Class V injection well and dispose of the materials at an authorized facility (Allegations 1.c. and 1.d.).
- e. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.d. The certification shall be notarized by a State of Texas Notary Public and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

Waste Section Manager
Texas Commission on Environmental Quality
San Angelo Regional Office
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic

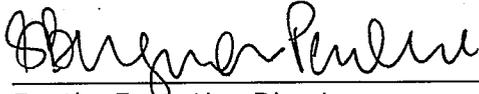
transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

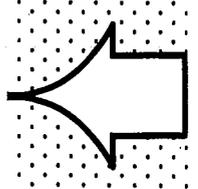
For the Commission



For the Executive Director

4/20/2011

Date



I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Wayman Grigson, Executor of the Imogene Grigson Holloway Estate, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Wayman Grigson
Signature - Wayman Grigson, Executor
Imogene Grigson Holloway Estate

3/17/2011
Date