

**Executive Summary — Enforcement Matter — Case No. 43231**  
**Nido, LTD dba Beek Landfill**  
**RN102310968**  
**Docket No 2012-0292-MSW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MSW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Beek Landfill, 550 Farm-to-Market 78, &hertz, Guadalupe County

**Type of Operation:**

Municipal solid waste landfill

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** June 22, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed: \$10,625**

**Amount Deferred for Expedited Settlement: \$2,125**

**Amount Deferred for Financial Inability to Pay: \$0**

**Total Paid to General Revenue: \$8,500**

**Total Due to General Revenue: \$0**

Payment Plan: N/A

**SEP Conditional Offset: \$0**

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary — Enforcement Matter — Case No. 43231**  
**Nido, LTD dba Beck Landfill**  
**RN102310968**  
**Docket No. 2012-0292-MSW-E**

***Investigation Information***

**Complaint Date(s):** September 7, 2011

**Complaint Information:** Alleged that contaminated soils were being accepted for disposal at the Site.

**Date(s) of Investigation:** October 26, 2011

**Date(s) of NOE(s):** November 30, 2011

***Violation Information***

1. Failed to submit required permit modifications. Specifically, Respondent submitted modifications to the Site Operating Plan and Ground Water Sampling and Analysis Plan on February 20, 2008. A Notice of Deficiency ("NOD") letter was sent to Respondent on April 11, 2008, and no response was submitted. Therefore the permit modification applications were withdrawn [30 TEX. ADMIN. CODE §§ 330.121 and 330.404

2. Failed to prevent the unauthorized disposal of waste. Specifically, 3,500 cubic yards of impacted soils removed from a remediation project were accepted and disposed of at the Facility, which is not authorized to accept impacted soils [30 TEX. ADMIN. CODE §§ 330.171 and 330.5(a)(2)}.

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent submitted a permit modification application to:modify the Site Operating Plan and Ground Water Sampling and Analysis Plan on September 30, 2011.

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 15 days, provide additional oversight and training to prevent unauthorized disposal of waste at the Facility; and
- b. Within 30 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary — Enforcement Matter — Case No. 43231**  
**Nido, LTD dba Beck Landfill**  
**RN102310968**  
**Docket No. 21312-0292-MSW-E**

*Contact information*

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Brianna Carlson, Enforcement Division,  
Enforcement Team 7, MC R-1.5, (956) 430-6021; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Benjamin Davis, President, Nido, LTD, 126 East Turbo Drive, San  
Antonio, Texas 78216

**Respondent's Attorney:** Paul Gosselink, Attorney, 816 Congress Avenue, Suite 1900,  
Austin, Texas 78701



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revisioo October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned 5-Dec-2011	Screening 21-Dec-2011	EPA Due
	PCW 5-Jan-2012		

**RESPONDENT/FACILITY INFORMATION**

Respondent	Mido, LTD dba Beck Landfill		
Reg. Ent. Ref. No.	1.00023.1.0-9.6.13.-.		
Facility/Site Region	Antonia%	Malor/ Minor Source LMT*	.....

**CASE INFORMATION**

Enf./Case ID NG.	0231	No. of Violations	100
Docket No.	20.117k2411.5WE	Order Type	100
Media Program(s)	mkinit"ilat o10:4Voste ...	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	BO' Carlsor
		EC's Team	erirrieifle0tieam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000 I

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (SLim quiriotattisn-b4s6-i;pnths)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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<b>ADJUSTMENTS (1-7)</b>	<b>SUBTOTAL 1</b>	
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Sabtiqs 2-7 air OW.0111411 by 111. applying the PAM arise renaify (8uttitotal 1) by the I eifct3Fed percentage.

MOO .	0.43.0)	<b>Subtotal 2, 3, &amp; 7</b>
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Notes: Re:doction fi\*1:1111 -peffor:rfOr.cta\$.51ftr,atiosii.

Culpability	No	0.0% Enhancement	saket4141	\$0.1
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Notes: 11\* 13.04orderft dOesii.iOt meOt-cutpOility criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$625</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>
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Total EB Amounts \$214  
 Approx. Cost of Compliance \$2,000  
 Capped at the Total Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$10,625</b>
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<b>OTHER4411),,ROU:40\$,TIC:e MAYAE LURE</b>	0.0%	<b>Adjustment</b>
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Reduces or enhances the rii4S46tai mpie hlicared peicentavi.

Notes: [Redacted]

<b>Final Penalty Amount</b>	<b>\$10,6251</b>
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<b>STATUTORY LIM,xt 43Wroignt</b>	<b>Final Assessed Penalty</b>	<b>\$10,625</b>
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<b>DEFERRAL</b>		<b>Adj# 00.entl</b>
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IReduces the Final Assessed Penal by the Indicted pe rcentage, CEnter niirriber on,y; e.a. 20 for reduction;)

Notes: Deferra€ offered for expeihiid stletnt,

<b>PAYABLE PENALTY</b>	<b>\$8,500</b>
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Screen

21-Dec-2011

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2012-0292-MSW-E

ROUipilflept:1 Nido, LTD dba Beck Landfill

CaseID No 43231

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. O'IVitetotente:iitwIRN10231096

\*\*\*\*\*1:j Municipal Solid Waste

Eritpt6t±rdinatcie Brianna Carlson

### Compliance History Worksheet

Site--Enhancement	fl	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		0%
	Other written NOVs		0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		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%
and Cons64	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Erntsslonsi:	Chronic excessive emissions events (number of events)		0%
kldits	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%
Please Enter Yes or No			
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%

Efirlitr

INAING2.

idtaid

No

Adjustment Percentage (Subtotal 3) 0%

Classification (Subtotal 7)

Nat.

Ovik

High Performer

Adjustment Percentage (Subtotal 7) 1 -10%

#### Compliance History Summary

AM:4:410P.

Compliance History Notes

RediiCtiOn :forbigh::performen.classificationv.

"Total Adjustment Percentage (Subtotals 2, 3, & 7) 1 -10%

Screening Date 21-Dec-2011  
 Respondent Nido, LTD dim Beck Landfill  
 Case ID-No: 43231

Docket No. 2012-0292-MSW-E

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Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent Reforente 14or] RN102310968  
 Municipal Solid Waste  
 Enfi -Coordinator Manna Carlson

Violation Number

Rule Cite(s)  Code

Violation Description  
 Failed to submit modification S4.  
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 ad(4Yil&.P)4):"OAiiiPFL-140.1'26..i4000:" A *idice* Of DeNtency ri)100.1):Wt.t0)7i\***dro**  
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Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes

Adjustment

WSit6:0141110;

IAMBI '91111

Number of Violation Events  Number of violation days

mark only one  
With an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	

(mark with x)

Notes

Violation Subtotal

\*Mr. [Name] Benefit (EB) for [Company]

Statutory Limit Test

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits);

JESIU

# Economic Benefit Worksheet

**Re .0041.4** Nido, LTD dha Beck Landfill  
**Caseittplo.** 43231  
**Red. Ent. Reference No** RN102310968  
**IA** Municipal Solid Waste  
**1,0.1.404\*No.** 1

**Percent: NWes t** 5.0  
**ygars;** 15  
**Dep**

**Item Cost** **Date** **Final Date** **Yrs** **Interest Saved** **Amount**  
**teitty.:Descii** 460

## Meet 00a\$

Category	Item Cost	Date	Final Date	Yrs	Interest Saved	Amount
Equipment				0.00	\$0	\$0
Buildings				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0
Engineering/construction				0.00	\$0	\$0
Land				0.00	\$0	\$0
Record Keeping System				0.00	\$0	\$0
Training/Sampling				0.00	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0
Permit Costs	\$1,000	11-May-2008	30-Sep-2011	3.39	\$169	\$169
Other (as needed)				0.00	\$0	\$0

### Notes for DELAYED costs

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 41vrat i:laWIS:the:clate tehi0066ei

## irdar

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

Category	Item Cost	Date	Final Date	Yrs	Interest Saved	Amount
Disposal				0.00	\$0	\$0
Personnel				0.00	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0
Supplies/equipment				0.00	\$0	\$0
Financial Assurance (2)				0.00	\$0	\$0
ONE-TIME avoided costs (3)				0.00	\$0	\$0
Other (as needed)				0.00	\$0	\$0

### Notes for AVOIDED Costs

Approx. Cost of Compliance

\$1,010

:014

\$1691

21-Dec-2011

111.104.OZ201.2-0292-MSW-

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Roxmidint Nldo, LTD dba Beck Landfill  
pigg-Xq 4; 43231  
ewftri:RipirOtexiccisto; RN102310968  
!!: Municipal Solid Waste  
giiE: Cited iiatitit, BrIanna\_Carlson

Policy Revision 2 (September 2002)1  
PCW Revision October 30, 2111081

Violation Number 312  
Rule Cite(s) 30 Tex. Admin. Code §§ 330.171 and 330.5(a)(2)

Violation Description

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... :aUtheplied.:td 440 irojba0(004(1:0!..

Base Penalty-

Wm-

ILA

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		AMIII		50%
Potential				

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Ealsificaunn	Ma or			Percent
	Moderate	Minor		
				0%1

Matrix Notes

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0'4-Atg:fart. of tkinla=1.:ljealth or environmental receptors s a result 0(09 vw4ation

ffrAll4Manlialtgi alhom.iggi -MMIL.WW049E \$5,000

\$5,000

in Events

Number of Violation Events 2 Number of violation days 56

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

1V/0.:Mdfithly0ents ankiacOMMende0:0\$6t.t0:tri Ori. urt:\$ent6tioin :a.tfieVIOLation dtriiry EhOs.  
0ot9bPr record reNded date :0 the De.:eember 21, 20.17; screening date.:

Good Faith Efforts to Comply

atlefibighl  
Before NOV NOV to EOPRP/I

\$01

Extraordinary  
Ordinary  
N/A

Notes

T.heitWi:ipondentiOe\$. not Meet the good faith err eria .for  
this violation

Violation Subtotal \$10,000

Estimated ER Amount \$451

Violation Final Penalty Total \$9,000

This violation Final Assessed Penalty (adjusted for limits)

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# Compliance Benefit Worksheet

**Responsible Party:** Wyo, LTD dba Beck Landfill  
**Case No.:** 661231  
**Reg. Ent. No.:** RN102310968  
**Activity:** Municipal Solid Waste  
**Permit No.:** No

**Percent Interest:** 5.0%  
**Years of Depreciation:**

**Item Cost:** \$1,000  
**Start Date:** 1-Feb-2011  
**Final Date:** 16-Sep-2012  
**Yrs. to be Saved:** 1.62

## Delayed Costs

Item	Start Date	Final Date	Yrs.	Cost	Notes	Yrs.	Cost
Equipment			0.00	\$0			\$0
Buildings			0.00	\$0			\$0
Other (as needed)			0.00	\$0			\$0
Engineering/construction			0.00	\$0			\$0
Land			0.00	\$0	n/a MWO		\$0
Record Keeping System			0.00	\$0	n/a Affir		\$0
Training/Sampling	\$1,000	1-Feb-2011	16-Sep-2012	1.62	\$81	n/a	\$81
Remediation/Disposal			0.00	\$0	1 Off biRA_44		\$0
Permit Costs			0.00	\$0			\$0
Other (as needed)			0.00	\$0	WARM "PIRIUMi		\$0

Notes for DELAYED costs

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 lecti.'redi..1..the.-iibletiOri:S'alrtllalie 10:the rine]: date.is the estimated date  
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## AVOIDED COSTS

### ANNUALIZED (VP! OdX-0.Sts.:5:0f6.0t.:131Warllgr.iteree.C.exc ptlop one-time avoided costs)

Item	Start Date	Final Date	Yrs.	Cost	Notes	Yrs.	Cost
Disposal			0.00	\$0			\$0
Personnel							\$0
Inspection/Reporting/Sampling			if: 00				\$0
Supplies/equipment				\$0			\$0
Financial Assurance 1[23			0.00	\$0			\$0
ONE-TIME avoided costs [5]			0.00	\$0			\$0
Other (as needed)			0.00	\$0			\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000	<b>TOTAL</b>
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\$81

## Compliance History

Customer/Respondent/Owner-Operator:	CN603075011 Nido, LTD	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102310968 Beck Landfill	Classification: HIGH	Site Rating: 0.00
ID Number(s)-:	AIR NEW SOURCE PERMITS	PERMIT	49068
	AIR NEW SOURCE PERMITS	PERMIT	49069
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GLOOM
	AIR NEW SOURCE PERMITS	REGISTRATION	53535
	AIR NEW SOURCE PERMITS	AFS NUM	4818700024
	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT	1848
	STORMWATER	PERMIT	TXR05U311
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GL0003A
Location:	550 FM RD 78, SCHERTZ, TX, 78154		
TCEG Region:	REGION 13- SAN ANTONIO		

Date Compliance History Prepared: January 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 09, 2007 to January 09, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Brianna Carlson Phone: 956/430-6021

### 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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

### 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.)
  - 1 02/09/2010 (788570)
  - 2 12/01/2011 (970331)
- 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  
Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
NIDO, LTD DBA BECK LANDFILL  
RN102310968

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2012-0292-MSW-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Nido, LTD dba Beck Landfill ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEL WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Paul Gosselink of the law firm of Lloyd Gosselink Law Firm, together stipulate that;

1. The Respondent owns and operates a municipal solid waste landfill at 550 Farm-to-Market Road 78 in Schertz, Guadalupe County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 5, 2011.

The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Six Hundred Twenty-Five Dollars (\$10,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Five Hundred

Dollars (\$8,500) of the administrative penalty and Two Thousand One Hundred Twenty-Five Dollars (\$2,125) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may' require the Respondent to pay all or part of the deferred penalty.

7. 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.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEL ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent submitted a permit modification application to modify the Site Operating Plan and Ground Water Sampling and Analysis Plan on September 30, 2011,
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

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.

12. 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit required permit modifications, in violation of 30 TEN. ADMIN. CODE §§ 330.121 and 330.401, as documented during a record review conducted on October 26, 2011. Specifically, the Respondent submitted modifications to the Site Operating Plan and Ground Water Sampling and Analysis Plan on February 20, 2008. A Notice of Deficiency ("NOD") letter was sent to the Respondent on April ii., 2008, and no response was submitted. Therefore the permit modification applications were withdrawn,
2. Failed to prevent the unauthorized disposal of waste, in violation of 30 TEX. ADMIN. CODE §§ 330.171 and 330.5(a)(2), as documented during a record review conducted on October 26, 2011. Specifically, 3,500 cubic yards of impacted soils removed from a remediation project were accepted and disposed of at the Facility, which is not authorized to accept impacted soils.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the 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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Nido, LTD dba Beck Landfill, Docket No. 2012-0292-MSW-E" to:

---

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, provide additional oversight and training to prevent unauthorized disposal of waste at the Facility; and
  - b. Within 30 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and 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 fines and imprisonment for knowing violations."

The certification 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 a copy to:

Waste Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

or the Executive Director C"

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I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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, if any, 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

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Signatuf

Date ifk/12

/6eikbpvivi dimo  
Name (Printed or typed)  
Authorized Representative of  
Nido, LTD dba Beck Landfill

Title \_\_\_\_\_

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph i of this Agreed Order.