

Executive Summary – Enforcement Matter – Case No. 43701

City of Carrizo Springs

RN102335080

Docket No. 2012-0513-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Carrizo Springs Landfill, Farm-to-Market Road 1917 - 1.6 miles southeast of U.S.

Highway 83, Carrizo Springs, Dimmit County

Type of Operation:

Type I/IV arid-exempt trench and aerial landfill

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 8, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,165

Amount Deferred for Expedited Settlement: \$4,033

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$627

Total Due to General Revenue: \$15,505

Payment Plan: 35 payments of \$443 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43701
City of Carrizo Springs
RN102335080
Docket No. 2012-0513-MSW-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 7, 2011 and January 5, 2012

Date(s) of NOE(s): February 10, 2012

Violation Information

1. Failed to provide adequate daily cover. Specifically, due to equipment failure no daily cover was being applied resulting in large amounts of exposed, uncovered, and non-compacted trash at the Type I and Type IV cells [30 TEX. ADMIN. CODE § 330.165(a) and Municipal Solid Waste ("MSW") Permit No. 2225, Site Operating Plan ("SOP"), IV. 26, Landfill Cover].
2. Failed to control windblown waste and litter from the active working face. Specifically, windblown waste and litter was observed surrounding the working face for the Type I and Type IV cells [30 TEX. ADMIN. CODE § 330.139(1) and MSW Permit No. 2225, SOP, IV. 13. Control of Windblown Solid Waste and Litter].
3. Failed to visually screen all deposited waste at the Facility. Specifically, visual waste screening was not being conducted beyond the gate house due to the unauthorized waste noted in the Type I and Type IV cells [30 TEX. ADMIN. CODE § 330.175 and MSW Permit No. 2225, SOP, IV. 31. Visual Screening of Deposited Waste].
4. Failed to spread and compact the MSW at the Facility with repeated passages of compaction equipment. Specifically, due to the compaction equipment being broken the waste was not being compacted by three to five passes with the waste compactor [30 TEX. ADMIN. CODE § 330.163 and MSW Permit No. 2225, SOP, IV. 25. Compaction].
5. Failed to prevent the unloading of waste in unauthorized areas at the Facility. Specifically, the Type I cell contained approximately 463 cubic yards of unauthorized waste including 30 scrap tires, computer monitors, and tube television sets [30 TEX. ADMIN. CODE § 330.133(b) and MSW Permit No. 2225, SOP, IV. 10. Unloading of Waste].
6. Failed to ensure that the Type IV cell contained only brush and construction or demolition waste and rubbish that are free of putrescible and household waste. Specifically, the Type IV cell contained approximately 3,752 cubic yards of unauthorized waste including household trash, 20 scrap tires, large appliances, plastics, buckets that contained oily residue, hoses, furniture, and scrap metal [30 TEX. ADMIN. CODE § 330.133(e) and MSW Permit No. 2225, SOP, IV. 7. Detection and Prevention of the Disposal of Prohibited Waste, Hazardous Waste, and PCBs].

Executive Summary – Enforcement Matter – Case No. 43701
City of Carrizo Springs
RN102335080
Docket No. 2012-0513-MSW-E

7. Failed to prevent the ponding of water at the Facility. Specifically, ponding water was observed on the Type IV cell [30 TEX. ADMIN. CODE § 330.167 and MSW Permit No. 2225, SOP, IV. 27. Ponded Water].

8. Failed to recycle and designate a special area for large, heavy, or bulky items that cannot be incorporated in the regular spreading, compaction, and covering operations at the Facility. Specifically, the Type I cell contained whole appliances including water heaters, sofas, mattresses, and stoves [30 TEX. ADMIN. CODE § 330.147(a) and MSW Permit No. 2225, SOP, IV. 17. Disposal of Large Items].

9. Failed to control vectors using proper compaction and daily cover procedures, and the use of other approved methods. Specifically, flies were observed around the trash in both Type I and Type IV cells, and the gate house [30 TEX. ADMIN. CODE § 330.151 and MSW Permit No. 2225, SOP, IV. 19. Disease Vector Control].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

a. Immediately:

- i. Cease accepting unauthorized waste at the Facility;
- ii. Begin recycling the large, heavy, or bulky items at the Facility; and
- iii. Begin vector monitoring and application of vector control measures.

b. Within 30 days:

- i. Maintain adequate daily cover over the Type I and Type IV disposal cells;
- ii. Implement procedures to control windblown waste and litter and pickup windblown litter throughout the Facility on a daily basis, including but not limited to the working face for the Type I and Type IV cells;
- iii. Implement procedures to visually screen the MSW being disposed of at the Facility to prevent unauthorized disposal, including but not limited to screening the waste beyond the gate house;
- iv. Implement procedures to ensure proper compacting of the waste at the Facility;

Executive Summary – Enforcement Matter – Case No. 43701
City of Carrizo Springs
RN102335080
Docket No. 2012-0513-MSW-E

- v. Remove all unauthorized waste from the Type I and Type IV cells;
 - vi. Remove all ponded water at the Facility and fill in the areas which the ponding occurred; and
 - vii. Implement procedures to ensure the large, heavy, or bulky items at the Facility are put in a special area.
- c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a. through b.vii.

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 7, MC R-12, (713) 767-3682; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Ralph E. Salinas, Mayor, City of Carrizo Springs, P.O. Box 329, Carrizo Springs, Texas 78834
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES Assigned PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Media Program(s) Government/Non-Profit
 Multi-Media Enf. Coordinator
 EC's Team

Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 1-Mar-2012

Docket No. 2012-0513-MSW-E

PCW

Respondent City of Carrizo Springs

Policy Revision 2 (September 2002)

Case ID No. 43701

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335080

Media [Statute] Municipal Solid Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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) 9%

>> 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

Enhancement for one previous NOV with same/similar violations and two NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 330.165(a) and Municipal Solid Waste ("MSW") Permit No. 2225, Site Operating Plan ("SOP"), IV. 26. Landfill Cover

Violation Description Failed to provide adequate daily cover. Specifically, due to equipment failure no daily cover was being applied resulting in large amounts of exposed, uncovered, and non-compacted trash at the Type I and Type IV cells.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					<input type="text" value="10%"/>
Potential			X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				<input type="text" value="0%"/>

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

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	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the January 5, 2012 investigation to the March 1, 2012 screening date.

Good Faith Efforts to Comply

0.0% Reduction

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

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

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 City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
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)	\$3,000	7-Apr-2011	7-Nov-2012	1.59	\$238	n/a	\$238

Notes for DELAYED costs

Estimated cost to provide adequate cover to the Type I and Type IV cells. The Date Required is the Initial investigation date and the Final Date is the estimated 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

\$3,000

TOTAL

\$238



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Feb-2012	Screening	1-Mar-2012	EPA Due	
	PCW	27-Mar-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Carrizo Springs		
Reg. Ent. Ref. No.	RN102335080		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43701	No. of Violations	7
Docket No.	2012-0513-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 1-Mar-2012

Docket No. 2012-0513-MSW-E

PCW

Respondent City of Carrizo Springs

Policy Revision 3 (September 2011)

Case ID No. 43701

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102335080

Media [Statute] Municipal Solid Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one previous NOV with same/similar violations and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.139(1) and Municipal Solid Waste ("MSW") Permit No. 2225, Site Operating Plan ("SOP"), IV. 13. Control of Windblown Solid Waste and Litter

Violation Description Failed to control windblown waste and litter from the active working face. Specifically, windblown waste and litter was observed surrounding the working face for the Type I and Type IV cells.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	5.0%
Potential					

>>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 56 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the January 5, 2012 investigation to the March 1, 2012 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 \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$21

Statutory Limit Test

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
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
<small>No commas or \$</small>							

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)	\$500	5-Jan-2012	7-Nov-2012	0.84	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to remove windblown litter and return it to the active face and to implement procedures for controlling windblown waste and litter. The Date Required is the investigation date and the Final Date is the estimated 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 \$500

TOTAL \$21

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 330.175 and MSW Permit No. 2225, SOP, IV, 31. Visual Screening of Deposited Waste

Violation Description Failed to visually screen all deposited waste at the Facility. Specifically, visual waste screening was not being conducted beyond the gate house due to the unauthorized waste noted in the Type I and Type IV cells.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 56 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$21

Statutory Limit Test

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
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				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)	\$500	5-Jan-2012	7-Nov-2012	0.84	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to implement procedures to ensure proper screening of waste. The Date Required is the investigation date and the Final Date is the estimated 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

\$500

TOTAL

\$21

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 330.163 and MSW Permit No. 2225, SOP, IV. 25.
 Compaction

Violation Description

Failed to spread and compact the MSW at the Facility with repeated passages of compaction equipment. Specifically, due to the compaction equipment being broken the waste was not being compacted by three to five passes with the waste compactor.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events: 1 56 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the January 5, 2012 investigation to the March 1, 2012 screening date.

Good Faith Efforts to Comply

0.0% Reduction Before NOV \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$118

Statutory Limit Test

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
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)	\$2,000	5-Jan-2012	7-Nov-2012	0.84	\$6	\$112	\$118
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

Estimated cost to compact the waste at the Facility. The Date Required is the investigation date and the Final Date is the estimated 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

\$2,000

TOTAL

\$118

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 330.133(b) and (e) and MSW Permit No. 2225, SOP, IV. 7. Detection and Prevention of the Disposal of Prohibited Waste, Hazardous Waste and PCB's and 10. Unloading of Waste
Violation Description Failed to prevent the unloading of waste in unauthorized areas at the Facility. Also, failed to ensure that the Type IV cell contained only brush and construction or demolition waste and rubbish that are free of putrescible and household waste. Specifically, the Type I cell contained approximately 463 cubic yards of unauthorized waste including 30 scrap tires, computer monitors, and tube television sets. The Type IV cell contained approximately 3,752 cubic yards of unauthorized waste including household trash, 20 scrap tires, large appliances, plastics, buckets that contained oily residue, hoses, furniture, and scrap metal.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		<input type="text" value="15.0%"/>
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				<input type="text" value="0.0%"/>

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

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

Two monthly events are recommended from the January 5, 2012 investigation to the March 1, 2012 screening date.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/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

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$53,522	5-Jan-2012	7-Nov-2012	0.84	\$2,251	n/a	\$2,251

Notes for DELAYED costs

Estimated cost to remove unauthorized waste from the Type I and Type IV cells. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$53,522

TOTAL

\$2,251

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 330.167 and MSW Permit No. 2225, SOP, IV. 27. Poned Water
Violation Description Failed to prevent the ponding of water at the Facility. Specifically, ponding water was observed on the Type IV cell.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

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 checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the January 5, 2012 investigation to the March 1, 2012 screening date.

Good Faith Efforts to Comply

0.0% Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
Violation No. 5

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)	\$1,000	5-Jan-2012	7-Nov-2012	0.84	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to remove and implement procedures to prevent water from ponding at the Facility. The Date Required in the investigation date and the Final Date is the estimated 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 \$1,000

TOTAL \$42

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras
Violation Number 6

Docket No. 2012-0513-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 330.147(a) and MSW Permit No. 2225, SOP, IV. 17. Disposal of Large Items

Violation Description

Failed to recycle and designate a special area for large, heavy, or bulky items that cannot be incorporated in the regular spreading, compaction, and covering operations at the Facility. Specifically, the Type I cell contained whole appliances including water heaters, sofas, mattresses, and stoves.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the January 5, 2012 investigation to the March 1, 2012 screening date.

Good Faith Efforts to Comply

	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$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 \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$42

Statutory Limit Test

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent City of Carrizo Springs

Case ID No. 43701

Reg. Ent. Reference No. RN102335080

Media Municipal Solid Waste

Violation No. 6

Percent Interest 5.0 | **Years of Depreciation** 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,000	5-Jan-2012	7-Nov-2012	0.84	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to recycle and designate a special area for the large, heavy, or bulky items. The Date Required in the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$1,000

TOTAL

\$42

Screening Date 1-Mar-2012
Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media [Statute] Municipal Solid Waste
Enf. Coordinator Danielle Porras
Violation Number 7

Docket No. 2012-0513-MSW-E

PCW
 Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 330.151 and MSW Permit No. 2225, SOP, IV. 19. Disease Vector Control

Violation Description

Failed to control vectors using proper compaction and daily cover procedures, and the use of other approved methods. Specifically, flies were observed around the trash in both Type I and Type IV cells, and the gate house.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	5.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$21

Statutory Limit Test

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent City of Carrizo Springs
Case ID No. 43701
Reg. Ent. Reference No. RN102335080
Media Municipal Solid Waste
Violation No. 7

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$500	5-Jan-2012	7-Nov-2012	0.84	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to establish a vector control program. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$500

TOTAL \$21

Compliance History Report

Customer/Respondent/Owner-Operator: CN600241418 City of Carrizo Springs Classification:Average Rating: 2.05
Regulated Entity: RN102335080 City of Carrizo Springs Landfill Classification:Average Site Rating: 1.75
ID Number(s): MUNICIPAL SOLID WASTE DISPOSAL PERMIT 2225
Location: FM 1917 - 1.6 MI SE OF US HWY 83, CARRIZO SPRINGS, TX, 78834
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prepared: March 01, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 01, 2007 to March 01, 2012

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

Name: Danielle Porras Phone: (713) 767-3682

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 | 5/14/2007 | (557279) |
| 2 | 02/29/2008 | (616093) |
| 3 | 11/10/2008 | (706740) |
| 4 | 06/08/2009 | (748355) |
| 5 | 11/04/2009 | (781405) |
| 6 | 11/24/2009 | (782126) |
| 7 | 04/29/2011 | (911879) |
| 8 | 02/10/2012 | (984196) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/10/2008 (706740) CN600241418

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter I 330.371(b)

Description: Failure to implement a methane monitoring program.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter D 330.121

Description: Failure to operate the facility in accordance with the landfill gas management plan.

Date 06/08/2009 (748355) CN600241418
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter I 330.371(b)
Description: Failure to implement a methane monitoring program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter D 330.121
Description: Failure to operate the facility in accordance with the landfill gas management plan.

Date 04/29/2011 (911879) CN600241418
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 330, SubChapter D 330.171(b)
Description: Failure to obtain authorization for disposal of a special waste prior to acceptance at the landfill.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter D 330.165(a)
Description: Failure to provide adequate daily cover.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CARRIZO SPRINGS
RN102335080**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-0513-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 City of Carrizo Springs ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a Type I/IV arid-exempt trench and aerial landfill at Farm-to-Market Road 1917 - 1.6 miles southeast of US Highway 83 in Carrizo Springs, Dimmit County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste ("MSW") 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 February 15, 2012.
5. 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 Twenty Thousand One Hundred Sixty-Five Dollars (\$20,165) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Twenty-Seven Dollars

(\$627) of the administrative penalty and Four Thousand Thirty-Three Dollars (\$4,033) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fifteen Thousand Five Hundred Five Dollars (\$15,505) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Forty-Three Dollars (\$443) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 TEX. ADMIN. CODE § 70.10(a).
9. 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.
10. 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.
11. 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 provide adequate daily cover, in violation of 30 TEX. ADMIN. CODE § 330.165(a) and MSW Permit No. 2225, Site Operating Plan ("SOP"), IV. 26, Landfill Cover, as documented during an investigation conducted on April 7, 2011 and a follow-up investigation conducted on January 5, 2012. Specifically, due to equipment failure no daily cover was being applied resulting in large amounts of exposed, uncovered, and non-compacted trash at the Type I and Type IV cells.

2. Failed to control windblown waste and litter from the active working face, in violation of 30 TEX. ADMIN. CODE § 330.139(1) and MSW Permit No. 2225, SOP, IV. 13. Control of Windblown Solid Waste and Litter, as documented during an investigation conducted on January 5, 2012. Specifically, windblown waste and litter was observed surrounding the working face for the Type I and Type IV cells.
3. Failed to visually screen all deposited waste at the Facility, in violation of 30 TEX. ADMIN. CODE § 330.175 and MSW Permit No. 2225, SOP, IV. 31. Visual Screening of Deposited Waste, as documented during an investigation conducted on January 5, 2012. Specifically, visual waste screening was not being conducted beyond the gate house due to the unauthorized waste noted in the Type I and Type IV cells.
4. Failed to spread and compact the MSW at the Facility with repeated passages of compaction equipment, in violation of 30 TEX. ADMIN. CODE § 330.163 and MSW Permit No. 2225, SOP, IV. 25. Compaction, as documented during an investigation conducted on January 5, 2012. Specifically, due to the compaction equipment being broken the waste was not being compacted by three to five passes with the waste compactor.
5. Failed to prevent the unloading of waste in unauthorized areas at the Facility, in violation of 30 TEX. ADMIN. CODE § 330.133(b) and MSW Permit No. 2225, SOP, IV. 10. Unloading of Waste, as documented during an investigation conducted on January 5, 2012. Specifically, the Type I cell contained approximately 463 cubic yards of unauthorized waste including 30 scrap tires, computer monitors, and tube television sets.
6. Failed to ensure that the Type IV cell contained only brush and construction or demolition waste and rubbish that are free of putrescible and household waste, in violation of 30 TEX. ADMIN. CODE § 330.133(e) and MSW Permit No. 2225, SOP, IV. 7. Detection and Prevention of the Disposal of Prohibited Waste, Hazardous Waste and PCB's, as documented during an investigation conducted on January 5, 2012. Specifically, the Type IV cell contained approximately 3,752 cubic yards of unauthorized waste including household trash, 20 scrap tires, large appliances, plastics, buckets that contained oily residue, hoses, furniture, and scrap metal.
7. Failed to prevent the ponding of water at the Facility, in violation of 30 TEX. ADMIN. CODE § 330.167 and MSW Permit No. 2225, SOP, IV. 27. Ponded Water, as documented during an investigation conducted on January 5, 2012. Specifically, ponding water was observed on the Type IV cell.
8. Failed to recycle and designate a special area for large, heavy, or bulky items that cannot be incorporated in the regular spreading, compaction, and covering operations at the Facility, in violation of 30 TEX. ADMIN. CODE § 330.147(a) and MSW Permit No. 2225, SOP, IV. 17. Disposal of Large Items, as documented during an investigation conducted on January 5, 2012. Specifically, the Type I cell contained whole appliances including water heaters, sofas, mattresses, and stoves.
9. Failed to control vectors using proper compaction and daily cover procedures, and the use of other approved methods, in violation of 30 TEX. ADMIN. CODE § 330.151 and MSW Permit No. 2225, SOP, IV. 19. Disease Vector Control, as documented during an investigation conducted on January 5, 2012. Specifically, flies were observed around the trash in both Type I and Type IV cells, and the gate house.

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: City of Carrizo Springs, Docket No. 2012-0513-MSW-E" to:

Financial Administration Division, Revenue Operations 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. Immediately upon the effective date of this Agreed Order:
 - i. Cease accepting unauthorized waste at the Facility;
 - ii. Begin recycling the large, heavy, or bulky items at the Facility, in accordance with MSW Permit No. 2225, SOP, IV. 17. Disposal of Large Items, and 30 TEX. ADMIN. CODE § 330.147(a);
 - iii. Begin vector monitoring and application of vector control measures, in accordance with MSW Permit No. 2225, SOP, IV. 19. Disease Vector Control, and 30 TEX. ADMIN. CODE § 330.151;
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Maintain adequate daily cover over the Type I and Type IV disposal cells, in accordance with MSW Permit No. 2225, SOP, IV. 26. Landfill Cover, and 30 TEX. ADMIN. CODE § 330.165(a);
 - ii. Implement procedures to control windblown waste and litter and pickup windblown litter throughout the Facility on a daily basis, including but not limited to the working face for the Type I and Type IV cells, in accordance with MSW Permit No. 2225, SOP, IV. 13. Control of Windblown Solid Waste and Litter, and 30 TEX. ADMIN. CODE § 330.139(1);

- iii. Implement procedures to visually screen the MSW being disposed of at the Facility to prevent unauthorized disposal, including but not limited to screening the waste beyond the gate house, in accordance with MSW Permit No. 2225, SOP, IV. 31. Visual Screening of Deposited Waste, and 30 TEX. ADMIN. CODE § 330.175;
 - iv. Implement procedures to ensure proper compacting of the waste at the Facility, in accordance with MSW Permit No. 2225, SOP, IV. 25. Compaction, and 30 TEX. ADMIN. CODE § 330.163;
 - v. Remove all unauthorized waste from the Type I and Type IV cells;
 - vi. Remove all ponded water at the Facility and fill in the areas which the ponding occurred, in accordance with MSW Permit No. 2225, SOP, IV. 27. Ponded Water, and 30 TEX. ADMIN. CODE § 330.167; and
 - vii. Implement procedures to ensure the large, heavy, or bulky items at the Facility are put in a special area, in accordance with MSW Permit No. 2225, SOP, IV. 17. Disposal of Large Items, and 30 TEX. ADMIN. CODE § 330.147(a).
- c. Within 45 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 Nos. 2.a. through 2.b.vii. 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Javi Jr
For the Executive Director

2/21/13
Date

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.

Ralph E. Salinas
Signature

December 12, 2012
Date

Ralph E. Salinas
Name (Printed or typed)
Authorized Representative of
City of Carrizo Springs

Mayor, City of Carrizo Springs
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.