

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 37862
Harold Ridlehuber d/b/a J & R Auto
RN100546324
Docket No. 2012-0555-IHW-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

610 Abbott Avenue, Hillsboro, Hill County

Type of Operation:

Other Significant Matters:

Additional Pending Enforcement Actions:

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: None

Texas Register Publication Date:

April 12, 2013

Comments Received:

None

Penalty Information

Total Penalty Assessed: \$12,150

Total Paid to General Revenue: \$425

Total Due to General Revenue: \$11,725

Payment Plan: 35 payments of \$335 each

SEP Conditional Offset:

N/A

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

September 2002

Harold Ridlehuber d/b/a J & R Auto

RN100546324

Docket No. 2012-0555-IHW-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: November 21, 2011
Date(s) of NOV(s): November 5, 2008; November 20, 2008; May 3, 2011
Date(s) of NOE(s): February 6, 2012

Violation Information

Failed to properly remove and dispose of industrial solid waste at an authorized facility [30 TEX. ADMIN. CODE § 335.4 and TCEQ Agreed Order Docket No. 2009-1022-MLM-E, Ordering Provision No. 2.a.i.]

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 15 days, conduct employee training to ensure that industrial solid waste at the Facility is properly managed to prevent discharges.
2. Within 30 days, Respondent shall remove all discharged industrial solid waste at the Facility and properly dispose of the wastes and contaminated soils at an authorized facility.
3. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: July 17, 2012
Date Answer(s) Filed: September 19, 2012
SOAH Referral Date: October 31, 2012
Hearing Date(s):
Preliminary Hearing: December 13, 2012
Evidentiary Hearing: April 11, 2013 (scheduled)
Settlement Date: March 25, 2013

Contact Information

TCEQ Attorneys: Kari L. Gilbreth, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Amy Swanholm, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Clinton Sims, Enforcement Division, (512) 239-6933

TCEQ Regional Contact: Frank Burleson, Waco Regional Office, (254) 751-0335

Respondent Contact: Harold Ridlehuber, P.O. Box 1146, Hillsboro, Texas 76645

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	13-Feb-2012		
	PCW	6-Mar-2012	Screening	15-Feb-2012
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Harold Ridlehuber dba J & R Auto
Reg. Ent. Ref. No.	RN100546324
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37862	No. of Violations	1
Docket No.	2012-0555-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Clinton Sims
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	35.0% Enhancement Subtotals 2, 3, & 7
	\$3,150

Notes: Enhancement for three NOV's with same/similar violations and one order containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$139	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes:

Final Penalty Amount \$12,150

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,150
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)				

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$12,150
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Screening Date 15-Feb-2012

Docket No. 2012-0555-IHW-E

PCW

Respondent Harold Ridlehuber dba J & R Auto

Policy Revision 2 (September 2002)

Case ID No. 37862

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100546324

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 35%

>> 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 three NOVs with same/similar violations and one order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 15-Feb-2012

Docket No. 2012-0555-IHW-E

PCW

Respondent Harold Ridlehuber dba J & R Auto

Policy Revision 2 (September 2002)

Case ID No. 37862

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100546324

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s) TCEQ Agreed Order Docket No. 2009-1022-MLM-E and 30 Tex. Admin. Code § 335.4

Violation Description Failed to properly remove and dispose of industrial solid waste to an authorized Facility. Specifically, a fluid discharge underneath a front end loader and a discharge of process fluid from the e-nickel coating line were documented at the Facility. Also, an unidentified white crystallized powder substance was disposed of in the equipment yard.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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 \$9,000

\$1,000

Violation Events

Number of Violation Events 9 738 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$9,000

Nine quarterly events are recommended from the February 7, 2010 order effective date to the February 15, 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 \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$139

Violation Final Penalty Total \$12,150

This violation Final Assessed Penalty (adjusted for limits) \$12,150

Economic Benefit Worksheet

Respondent Harold Ridlehuber dba J & R Auto
Case ID No. 37862
Reg. Ent. Reference No. RN100546324
Media Violation No. Industrial and Hazardous Waste
 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	\$1,000	7-Feb-2010	19-Nov-2012	2.78	\$139	n/a	\$139
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of the discharged waste and the contaminated soil. The Date Required is the order effective 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 \$139

Compliance History Report

Customer/Respondent/Owner-Operator: CN603892498 RIDLEHUBER, HAROLD C Classification: AVERAGE Rating: 21.25
Regulated Entity: RN100546324 J & R AUTO Classification: AVERAGE Site Rating: 21.25
ID Number(s):
Location: 610 ABBOTT AVE, HILLSBORO, TX, 76645
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: August 10, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 08, 2007 to March 08, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Clinton Sims Phone: (512) 239 - 6933

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? YES
3. If **YES**, who is the current owner/operator? J & R Automotive, OPERATOR since 02/28/1997 YES
RIDLEHUBER, HAROLD C, OWNER since 02/28/1997 YES
RIDLEHUBER, HAROLD, OPERATOR since 08/11/2011 YES
4. If **YES**, who was/were the prior owner(s)/operator(s)? J & R Coating Specialist Inc, OPERATOR, 10/12/2006 to 8/10/2011
5. If **YES**, when did the change(s) in owner or operator occur? 8/11/2011
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.

Effective Date: 02/07/2010 ADMINORDER 2009-1022-MLM-E

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial solid waste, as documented during a record review conducted on June 5, 2009. Specifically, a fluid discharge underneath a front end loader and a discharge of process fluid from the e-nickel coating line were documented at the Facility. Also, an unidentified white crystallized powder substance was disposed of in the equipment yard.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.346

30 TAC Chapter 334, SubChapter A 334.7(a)(1)

Description: Failed to register all USTs in existence on or after September 1, 1987, with the Commission, as documented during a record review conducted on June 5, 2009. Specifically, the Respondent did not register two USTs.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)

Description: Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, as documented during a record review conducted on June 5, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.54(b)(2)

Description: Failed to maintain all piping, pumps, manways, and other ancillary equipment in capped, plugged, locked and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, as documented during a record review conducted on June 5, 2009. Specifically, the fill ports were not locked.

- 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 01/07/2009 (707061)

2 01/05/2009 (721901)

3 02/24/2009 (726362)

4 02/25/2009 (726526)

5 04/08/2009 (740587)

6 06/08/2009 (741992)

7 05/13/2011 (914942)

8 02/06/2012 (968757)

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

Date: 11/05/2008 (706418)

CN603892498

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial solid waste, as documented during a record review conducted on June 5, 2009. Specifically, a fluid discharge underneath a front end loader and a discharge of process fluid from the e-nickel coating line were documented at the Facility. Also, an unidentified white crystallized powder substance was disposed of in the equipment yard.

Date: 11/20/2008 (706123)

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.346
30 TAC Chapter 334, SubChapter A 334.7(a)(1)
Description: Failed to register all USTs in existence on or after September 1, 1987, with the Commission, as documented during a record review conducted on June 5, 2009. Specifically, the Respondent did not register two USTs.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)
Description: Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, as documented during a record review conducted on June 5, 2009.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.54(b)(2)
Description: Failed to maintain all piping, pumps, manways, and other ancillary equipment in capped, plugged, locked and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, as documented during a record review conducted on June 5, 2009. Specifically, the fill ports were not locked.

Date: 05/03/2011 (914942) CN603892498

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Description: Failed to prevent the unauthorized discharge of industrial solid waste, as documented during a record review conducted on June 5, 2009. Specifically, a fluid discharge underneath a front end loader and a discharge of process fluid from the e-nickel coating line were documented at the Facility. Also, an unidentified white crystallized powder substance was disposed of in the equipment yard.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.346
30 TAC Chapter 334, SubChapter A 334.7(a)(1)
Description: Failed to register all USTs in existence on or after September 1, 1987, with the Commission, as documented during a record review conducted on June 5, 2009. Specifically, the Respondent did not register two USTs.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)
Description: Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, as documented during a record review conducted on June 5, 2009.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.54(b)(2)
Description: Failed to maintain all piping, pumps, manways, and other ancillary equipment in capped, plugged, locked and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, as documented during a record review conducted on June 5, 2009. Specifically, the fill ports were not locked.

- 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
HAROLD RIDLEHUBER D/B/A
J & R AUTO;
RN100546324**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-0555-IHW-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Harold Ridlehuber d/b/a J & R Auto ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a metal parts coating and an automotive oil change facility located at 610 Abbott Avenue in Hillsboro, Hill County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial solid and/or hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on November 21, 2011, a TCEQ Waco Regional Office investigator documented that Respondent failed to properly remove and dispose of industrial solid waste at an authorized facility. Specifically, a fluid discharge underneath a front end loader and a discharge of process fluid from the e-nickel coating line were documented at the Facility. Also, an unidentified white crystallized powder substance was disposed of in the equipment yard.
3. Respondent received notice of the violations on or about February 11, 2012.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2, Respondent failed to properly remove and dispose of industrial solid waste at an authorized facility, in violation of 30 TEX. ADMIN. CODE § 335.4 and TCEQ Agreed Order Docket No. 2009-1022-MLM-E, Ordering Provision No. 2.a.i.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of twelve thousand one hundred fifty dollars (\$12,150.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid four hundred twenty-five dollars (\$425.00) of the administrative penalty. The remaining amount of eleven thousand seven hundred twenty-five dollars (\$11,725.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of three hundred thirty-five dollars (\$335.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Harold Ridlehuber d/b/a J & R Auto, Docket No. 2012-0555-IHW-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, Respondent shall conduct employee training to ensure that industrial solid waste at the Facility is properly managed to prevent discharges;
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall remove all discharged industrial solid waste at the Facility and properly dispose of the wastes and contaminated soils at an authorized facility, in accordance with 30 TEX. ADMIN. CODE ch. 335, which includes conducting hazardous waste

determinations prior to disposal; and

- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Frank Burleson, Waste Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 3500
Waco, Texas 76710-7826

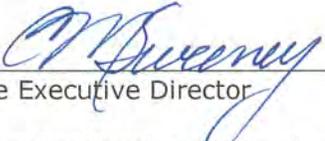
3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this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

- Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 10. 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.
 11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

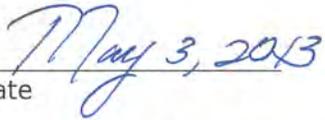
SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Harold Ridlehuber d/b/a J & R Auto, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

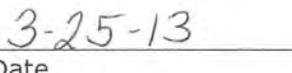
I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

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

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



Signature - Harold Ridlehuber



Date