

Executive Summary – Enforcement Matter – Case No. 48276
The LETCO Group, LLC dba Living Earth Technology
RN104887468
Docket No. 2014-0231-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - AIR, MSW, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Living Earth Technology, 5625 Crawford Road, Houston, Harris County

Type of Operation:

Mulch and compost recycling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

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

Texas Register Publication Date: May 16, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,067

Amount Deferred for Expedited Settlement: \$2,213

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,854

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48276
The LETCO Group, LLC dba Living Earth Technology
RN104887468
Docket No. 2014-0231-MLM-E

Investigation Information

Complaint Date(s): March 22, 2013

Complaint Information: Alleged that the Respondent was accepting prohibited lumber materials, creating nuisance conditions, and exceeding set back distance from all property boundaries for materials on-site. The complainant also alleged violation of water rights, air quality requirements, and discharge of pollutants.

Date(s) of Investigation: March 25, 2013 through November 19, 2013

Date(s) of NOE(s): December 20, 2013

Violation Information

1. Failed to provide adequate financial assurance for the closure of a recycling facility. Specifically, financial assurance was not provided for approximately 28,355 cubic yards of additional combustible material stored at the Facility [30 TEX. ADMIN. CODE § 328.5(c)(2)(A), 328.5(d), and 328.5(f)(3)].
2. Failed to provide notification within 90 days prior to collecting and processing animal bedding and manure for recycling. Specifically, the Respondent was collecting and processing animal bedding and manure prior to providing notice to the TCEQ [30 TEX. ADMIN. CODE § 328.5(b)(1)].
3. Failed to maintain records to demonstrate training of staff in the inspection of incoming loads to ensure that they contain no more than 10 percent incidental non-recyclable waste [30 TEX. ADMIN. CODE § 328.5(f)(2)(B)].
4. Failed to maintain the setback distance of at least 50 feet from all property boundaries for storing mulched and/or composted, including in-process and processed, materials [30 TEX. ADMIN. CODE § 332.8(b)(1)].
5. Failed to promptly clean up spills and leaks. Specifically, two small spills were noted in the uncontained section of the fueling area [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26 and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05AG04, Part III, Section A, 4(a)(3)].
6. Failed to document and update the Storm Water Pollution Prevention Plan ("SWP3") with corrective actions, revisions, or additions and include as part of the SWP3 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26 and TPDES MSGP No. TXR05AG04, Part III, Section B, 2(c)].
7. Failed to prevent the discharge of waste into or adjacent to any water in the state. Specifically, the Respondent failed to prevent the discharge of mulch into the

Executive Summary – Enforcement Matter – Case No. 48276
The LETCO Group, LLC dba Living Earth Technology
RN104887468
Docket No. 2014-0231-MLM-E

intersection of the western boundary of the Facility and the drainage ditch on the southern side of Tanner Road [TEX. WATER CODE § 26.121(a)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. Obtained adequate financial assurance for the closure of the Facility on July 23, 2013;
- b. Updated the Facility's Notice of Intent regarding all materials being collected and processed at the Facility on July 23, 2013;
- c. Conducted training for Facility staff regarding inspection of incoming loads for non-recyclable waste on May 7, 2013;
- d. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the proper setback distances from the property boundaries are being maintained on April 12, 2013;
- e. Submitted documentation to the TCEQ Houston Regional Office demonstrating the spilled and/or leaked fuel has been properly cleaned up on June 13, 2013;
- f. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the SWP3 has been properly updated on April 10, 2013; and
- g. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the waste discharged from the Facility has been removed and disposed of at an authorized facility on June 13, 2013.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 48276
The LETCO Group, LLC dba Living Earth Technology
RN104887468
Docket No. 2014-0231-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Keith Frank, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-1203; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Mark Rose, President, The LETCO Group, LLC, 1901 California Crossing Road, Dallas, Texas 75220-7005

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-Jan-2014	Screening	14-Jan-2014	EPA Due	
	PCW	21-Mar-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	The LETCO Group, LLC dba Living Earth Technology		
Reg. Ent. Ref. No.	RN104887468		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48276	No. of Violations	7
Docket No.	2014-0231-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media	Water Quality and Air	Enf. Coordinator	Keith Frank
		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** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for compliance history.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$2,497**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$3,666
Approx. Cost of Compliance \$9,697
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,503**

OTHER FACTORS AS JUSTICE MAY REQUIRE **47.5%** **Adjustment** **\$3,564**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 1.

Final Penalty Amount **\$11,067**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,067**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,213**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,854**

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth
Case ID No. Technology
 48276

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

Reg. Ent. Reference No. RN104887468
Media [Statute] Municipal Solid Waste
Enf. Coordinator Keith Frank

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

Adjustment Percentage (Subtotal 2) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 328.5(c)(2)(A), 328.5(d), and 328.5(f)(3)

Violation Description Failed to provide adequate financial assurance for the closure of a recycling facility. Specifically, financial assurance was not provided for approximately 28,355 cubic yards of additional combustible material stored at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (5.0%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 365

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual (marked with x), single event.

Violation Base Penalty \$1,250

One annual event is recommended for the 12-month period preceding the March 27, 2013 investigation.

Good Faith Efforts to Comply

25.0% Reduction

\$312

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (mark with x).

Notes The Respondent came into compliance on July 23, 2013, prior to the Notice of Enforcement ("NOE") dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,564

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology
Case ID No. 48276
Reg. Ent. Reference No. RN104887468
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]	\$1,697	27-Mar-2012	23-Jul-2013	2.00	\$170	\$3,394	\$3,564
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Actual avoided cost of obtaining additional financial assurance for the Facility per information submitted by the Respondent. Date Required is one year prior to the investigation date. Final Date is the date of compliance.

Approx. Cost of Compliance

\$1,697

TOTAL

\$3,564

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 328.5(b)(1)

Violation Description Failed to provide notification within 90 days prior to collecting and processing animal bedding and manure for recycling. Specifically, the Respondent was collecting and processing animal bedding and manure prior to providing notice to the TCEQ.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 Number of violation days 120

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two quarterly events are recommended based on documentation of the violation during the March 25, 2013 investigation to the July 23, 2013 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent came into compliance on July 23, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$2,766

This violation Final Assessed Penalty (adjusted for limits) \$2,766

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology
Case ID No. 48276
Reg. Ent. Reference No. RN104887468
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	\$5,000	25-Mar-2013	23-Jul-2013	0.33	\$82	n/a	\$82
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an updated Notice of Intent for the Facility. Date Required is the investigation date. Final Date is the 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

\$5,000

TOTAL

\$82

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 328.5(f)(2)(B)

Violation Description Failed to maintain records to demonstrate training of staff in the inspection of incoming loads to ensure that they contain no more than 10 percent incidental non-recyclable waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 41

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

25.0% Reduction

\$312

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

Notes: The Respondent came into compliance on May 7, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology

Case ID No. 48276

Reg. Ent. Reference No. RN104887468

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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	27-Mar-2013	7-May-2013	0.11	\$3	n/a	\$3
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 maintain staff training records. Date Required is the investigation date. Final Date is the 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

\$3

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 332.8(b)(1)

Violation Description Failed to maintain the setback distance of at least 50 feet from all property boundaries for storing mulched and/or composted, including in-process and processed, materials.

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	Harm			Percent
	Major	Moderate	Minor	
				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 Number of violation days 18

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 based on documentation of the violation during the March 25, 2013 investigation to the April 12, 2013 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$312

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

Notes The Respondent came into compliance on April 12, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology

Case ID No. 48276

Reg. Ent. Reference No. RN104887468

Media Municipal Solid Waste

Violation No. 4

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	25-Mar-2013	12-Apr-2013	0.05	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to maintain the minimum setback distance of 50 feet. Date Required is the investigation date. Final Date is the 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

\$1

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26 and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05AG04, Part III, Section A, 4(a)(3)

Violation Description Failed to promptly clean up spills and leaks. Specifically, two small spills were noted in the uncontained section of the fueling area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> 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

77 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended based on documentation of the violation during the March 28, 2013 investigation to the June 13, 2013 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$312

	Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent came into compliance on June 13, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology
Case ID No. 48276
Reg. Ent. Reference No. RN104887468
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	\$1,000	28-Mar-2013	13-Jun-2013	0.21	\$11	n/a	\$11
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean up spills and properly dispose of the wastes at an authorized facility. Date Required is the investigation date. Final Date is the 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

\$11

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 CFR § 122.26 and TPDES MSGP No. TXR05AG04, Part III, Section B, 2(c)

Violation Description Failed to document and update the Storm Water Pollution Prevention Plan ("SWP3") with corrective actions, revisions, or additions and include as part of the SWP3.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 13

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

25.0% Reduction \$312

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

Notes The Respondent came into compliance on April 10, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology

Case ID No. 48276

Reg. Ent. Reference No. RN104887468

Media Municipal Solid Waste

Violation No. 6

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	28-Mar-2013	10-Apr-2013	0.04	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to update the SWP3. Date Required is the investigation date. Final Date is the 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

\$1

Screening Date 14-Jan-2014

Docket No. 2014-0231-MLM-E

PCW

Respondent The LETCO Group, LLC dba Living Earth Technology

Policy Revision 3 (September 2011)

Case ID No. 48276

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104887468

Media [Statute] Municipal Solid Waste

Enf. Coordinator Keith Frank

Violation Number 7

Rule Cite(s) Tex. Water Code § 26.121(a)(2)

Violation Description

Failed to prevent the discharge of waste into or adjacent to any water in the state. Specifically, the Respondent failed to prevent the discharge of mulch into the intersection of the western boundary of the Facility and the drainage ditch on the southern side of Tanner Road.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> 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

69 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 based on documentation of the violation during the April 5, 2013 investigation to the June 13, 2013 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$312

	Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent came into compliance on June 13, 2013, prior to the NOE dated December 20, 2013.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,384

This violation Final Assessed Penalty (adjusted for limits) \$1,384

Economic Benefit Worksheet

Respondent The LETCO Group, LLC dba Living Earth Technology
Case ID No. 48276
Reg. Ent. Reference No. RN104887468
Media Municipal Solid Waste
Violation No. 7

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	\$500	5-Apr-2013	13-Jun-2013	0.19	\$5	n/a	\$5
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 the waste and dispose of it at an authorized facility. Date Required is the investigation date. Final Date is the 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

\$5

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603314493, RN104887468, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603314493, The LETCO Group, LLC **Classification:** SATISFACTORY **Rating:** 0.12

Regulated Entity: RN104887468, Living Earth Technology **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 5625 CRAWFORD RD HOUSTON, TX 77041-7210, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

STORMWATER PERMIT TXR05AG04

MUNICIPAL SOLID WASTE PROCESSING PERMIT 100180

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 78895

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 14, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 14, 2009 to January 14, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Keith Frank

Phone: (512) 239-1203

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LETCO GROUP, LLC DBA
LIVING EARTH TECHNOLOGY
RN104887468**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-0231-MLM-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 The LETCO Group, LLC dba Living Earth Technology ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a mulch and compost recycling facility at 5625 Crawford Road in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361 and consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). The Respondent has discharged other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 26, 2013.

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 Eleven Thousand Sixty-Seven Dollars (\$11,067) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Eight Hundred Fifty-Four Dollars (\$8,854) of the administrative penalty and Two Thousand Two Hundred Thirteen Dollars (\$2,213) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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 recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Obtained adequate financial assurance for the closure of the Facility on July 23, 2013;
 - b. Updated the Facility's Notice of Intent ("NOI") regarding all materials being collected and processed at the Facility on July 23, 2013;
 - c. Conducted training for Facility staff regarding inspection of incoming loads for non-recyclable waste on May 7, 2013;
 - d. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the proper setback distances from the property boundaries are being maintained on April 12, 2013;
 - e. Submitted documentation to the TCEQ Houston Regional Office demonstrating the spilled and/or leaked fuel has been properly cleaned up on June 13, 2013;
 - f. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the Storm Water Pollution Prevention Plan ("SWP3") has been properly updated on April 10, 2013; and
 - g. Submitted documentation to the TCEQ Houston Regional Office demonstrating that the waste discharged from the Facility has been removed and disposed of at an authorized facility on June 13, 2013.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to provide adequate financial assurance for the closure of a recycling facility, in violation of 30 TEX. ADMIN. CODE § 328.5(c)(2)(A), 328.5(d), and 328.5(f)(3), as documented during an investigation conducted on March 27, 2013. Specifically, financial assurance was not provided for approximately 28,355 cubic yards of additional combustible material stored at the Facility.
2. Failed to provide notification within 90 days prior to collecting and processing animal bedding and manure for recycling, in violation of 30 TEX. ADMIN. CODE § 328.5(b)(1), as documented during an investigation conducted on March 25, 2013. Specifically, the Respondent was collecting and processing animal bedding and manure prior to providing notice to the TCEQ.
3. Failed to maintain records to demonstrate training of staff in the inspection of incoming loads to ensure that they contain no more than 10 percent incidental non-recyclable waste, in violation of 30 TEX. ADMIN. CODE § 328.5(f)(2)(B), as documented during an investigation conducted on March 27, 2013.
4. Failed to maintain the setback distance of at least 50 feet from all property boundaries for storing mulched and/or composted, including in-process and processed, materials, in violation of 30 TEX. ADMIN. CODE § 332.8(b)(1), as documented during an investigation conducted on March 25, 2013.
5. Failed to promptly clean up spills and leaks, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26 and Texas Pollution Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05AG04, Part III, Section A, 4(a)(3), as documented during an investigation conducted on March 28, 2013. Specifically, two small spills were noted in the uncontained section of the fueling area.
6. Failed to document and update the SWP3 with corrective actions, revisions, or additions and include as part of the SWP3, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26 and TPDES MSGP No. TXR05AG04, Part III, Section B, 2(c), as documented during an investigation conducted on March 28, 2013.

7. Failed to prevent the discharge of waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(2), as documented during an investigation conducted on April 5, 2013. Specifically, the Respondent failed to prevent the discharge of mulch into the intersection of the western boundary of the Facility and the drainage ditch on the southern side of Tanner Road.

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: The LETCO Group, LLC dba Living Earth Technology, Docket No. 2014-0231-MLM-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. 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.
3. 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.
4. 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.

5. 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

Pamela Marsh
For the Executive Director

7/7/14
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.

[Signature]
Signature

4/15/2014
Date

MARK ROSE
Name (Printed or typed)
Authorized Representative of
The LETCO Group, LLC dba Living Earth Technology

PRESIDENT
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.