

**Renda Environmental, Inc.**

**RN104297262, RN106718620, RN107147753, RN107147761, RN107248320, and RN107745002**  
**Docket No. 2013-1048-MLM-E**

**Order Type:**

Agreed Order

**Media:**

Multi-Media: AIR and Sludge

**Small Business:**

Yes

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

Land Application Sites (LAS) and Pad Sites (PS) at the following locations:

LAS 1: Application fields around 142 County Road (CR) 4463, Decatur, Wise County (RN106718620).LAS 2: Adjacent application fields near the intersection of Singleton Road and Armstrong Road, and east of the intersection of Norrell Road and Murr Road, Midlothian, Ellis County (RN107248320).LAS 3: Application fields located around and along Interstate 35 (I-35) West, north of the intersection of I-35 West and Farm-to-Market (FM) 2258, and south of the intersection of I-35 West and CR 313 near Alvarado, Johnson County (RN107745002).PS 1: 0.25 mile west of I-35 East on Sevier Road in Milford, Wise County (RN104297262).PS 2: Near FM 1182 in Ennis, Ellis County (RN107147761).PS 3: Near Blindsay Road and Highway 34 in Rosser, Kaufman County (RN107147753).**Type of Operation:**

biosolids land application fields and biosolids storage pad sites

**Other Significant Matters:**

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: Commenters: Michelle Hillery, Bobby and Maureen Petty  
Complainants: Multiple nearby residents**Texas Register Publication Date:** June 5, 2015**Comments Received:** Two (June 19 and June 23, 2015)**Penalty Information****Total Penalty Assessed:** \$36,000**Total Paid to General Revenue:** \$36,000**Total Due to General Revenue:** \$0**Compliance History Classifications:**

Person/CN – Satisfactory

Site/RN – High (LAS 1); Unclassified (LAS 2); N/A (LAS 3 and PS 1, 2, and 3);

**Major Source:** Minor (all Sites)**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** September 2011 (PCWs 1, 4, and 5);  
April 2014 (PCWs 2, 3, and 6)

**Renda Environmental, Inc.**

**RN104297262, RN106718620, RN107147753, RN107147761, RN107248320, and RN107745002**  
**Docket No. 2013-1048-MLM-E**

**Investigation Information**

**Complaint Date(s):** LAS 1: April 25, 2013, May 1, 2013, and May 6, 2013;  
LAS 2: February 18 - March 21, 2014 (23 complaints);  
LAS 3: July 7 - October 8, 2014 (108 complaints);  
PS 1: January 3, 2014, January 15, 2014, and January 21, 2014.

*Complaint Information:* Land Application Sites: Alleged that odors from biosolids application were causing nuisance odor conditions.

PS 1: Alleged that odors and dust were causing nuisance conditions.

**Date(s) of Investigation:** May 2, 2013 to October 2, 2014 (Land Application Sites);  
 December 31, 2013, and January 28, 2014 (Pad Sites)

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** May 13, 2013 (LAS 1); June 4, 2014 (LAS 2); October 21, 2014 (LAS 3);  
 April 4, 2014 (PS 1); March 24, 2014 (PS 2); April 3, 2014 (PS 3)

**Violation Information**

1. Land Application Sites - Failed to prevent nuisance odor conditions [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].
2. Pad Sites - Failed to obtain written authorization from the Executive Director prior to construction of a sludge storage area at a beneficial land application site [30 TEX. ADMIN. CODE § 312.50(a)].

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

1. Assisted a generator of the biosolids ("Generator") with development of a TCEQ-mandated odor control plan, which is currently being reviewed by TCEQ.
2. Working with the Generator in its efforts to adopt a vector attraction reduction alternative that will not require its biosolids to be subject to a 24-hour hold time.
3. Working with the Generator in its efforts to add ferric chloride to its biosolids to improve odor control.
4. Working with the Generator in its efforts to reduce or remove the lime needed for its biosolids.
5. Began identifying materials that do not have typical biosolids odors and could potentially create a nuisance condition so that it can be hauled to a local landfill instead of being land applied.

**Technical Requirements:**

1. Immediately cease storing sludge at the Pad Sites until authorization has been obtained and all requirements for storing sludge at a beneficial land application site have been met.
2. Within 60 days, implement measures designed to prevent nuisance odor conditions at all biosolids land application sites.
3. Within 90 days:
  - a. Submit a report identifying and describing the measures implemented pursuant to Technical Requirement No. 2. The report shall include supporting documentation such as standard operating procedures, any analytical results, or other records of the measures taken; and
  - b. Submit written certification to demonstrate compliance with Technical Requirements Nos. 1 and 3.

**Renda Environmental, Inc.**

RN104297262, RN106718620, RN107147753, RN107147761, RN107248320, and RN107745002

Docket No. 2013-1048-MLM-E

**Litigation Information**

**Date Petition(s) Filed:** October 9, 2013 (EDPRP); October 24, 2014 (EDFARP)

**Date Answer Filed:** October 29, 2013

**SOAH Referral Date:** December 3, 2013

**Hearing Date(s):**

    Preliminary hearing: February 6, 2014 (waived)

    Evidentiary hearing: June 24, 2014 (continued); September 11, 2014 (continued);  
February 3, 2015 (continued); September 15, 2015 (scheduled)

**Settlement Date:** May 4, 2015

**Contact Information**

**TCEQ Attorneys:** Jennifer Cook, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Carol McGrath, Enforcement Division, (210) 403-4063

**TCEQ Regional Contact:** Elizabeth Smith, Dallas /Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Ben Davis, Biosolids Manager, Renda Environmental, Inc., 2501 Greenbelt Road, Fort Worth, Texas 76118; Rudy Renda, President, Renda Environmental, Inc., 608 Henrietta Creek Road, Roanoke, Texas 76262

**Respondent's Attorney:** Patrick Caballero, Bracewell & Giuliani LLP, 111 Congress Avenue, Suite 2300, Austin, Texas 78701-4061

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	20-May-2014			
	<b>PCW</b>	4-May-2015	<b>Screening</b>	23-May-2014	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Renda Environmental, Inc. (RN106718620 Land Application Site)			
<b>Reg. Ent. Ref. No.</b>	RN106718620			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46959	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1048-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Carol McGrath
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$7,500**

### 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** **\$0**

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

Total EB Amounts **\$313**  
 Approx. Cost of Compliance **\$2,500**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$7,500**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-15.0%** **Adjustment** **-\$1,125**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction is recommended for the risk of litigation.

**Final Penalty Amount** **\$6,375**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$6,375**

**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: Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$6,375**

Screening Date 23-May-2014

Docket No. 2013-1048-MLM-E

PCW

Respondent Renda Environmental, Inc. (RN106718620 Land Application Site)

Policy Revision 3 (September 2011)

Case ID No. 46959

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106718620

Media [Statute] Air

Enf. Coordinator Carol McGrath

## Compliance History Worksheet

## &gt;&gt; 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%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	23-May-2014	<b>Docket No.</b>	2013-1048-MLM-E	<b>PCW</b>
<b>Respondent</b>	Renda Environmental, Inc. (RN106718620 Land Application Site)			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46959			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN106718620			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Carol McGrath			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

**Violation Description**

Failed to prevent nuisance odor conditions. Specifically, during an investigation conducted from May 2 through 3, 2013, TCEQ Dallas/Fort Worth Regional Office investigators documented the existence of nuisance odor conditions at the Land Application Site, caused by the Respondent's land application of biosolids.

**Base Penalty**

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Human health or the environment has been exposed to significant amounts of pollutants 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

Two single events are recommended.

**Good Faith Efforts to Comply**

	<input type="text" value="0.0%"/>	Reduction
		Before NOV
		NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	
Ordinary	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark w th 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** Renda Environmental, Inc. (RN106718620 Land Application Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN106718620  
**Media** Air  
**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)	\$2,500	2-May-2013	1-Nov-2015	2.50	\$313	n/a	\$313

**Notes for DELAYED costs**  
 Estimated costs to implement measures designed to prevent nuisance odor conditions at the biosolids land application site (\$2,000) and to submit a report identifying and describing the measures implemented (\$500). The Date Required is the investigation date and the Final Date is the expected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,500

**TOTAL** \$313

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

**PENDING** Compliance History Report for CN600418578, RN106718620, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600418578, Renda Environmental, Inc. **Classification:** SATISFACTORY **Rating:** 0.12

**Regulated Entity:** RN106718620, Alan Bingham Application Site **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 3 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 142 COUNTY ROAD 4463 DECATUR, TX 76234-5184, WISE COUNTY

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** **AIR QUALITY NON PERMITTED** ID NUMBER R04106718620

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** November 04, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 04, 2009 to November 04, 2014

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.):**

Item 1 July 15, 2014 (1170326)

### **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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	9-Jun-2014	<b>Screening</b>	18-Jun-2014	<b>EPA Due</b>	
	<b>PCW</b>	4-May-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Renda Environmental, Inc. (RN107248320 Land Application Site)
<b>Reg. Ent. Ref. No.</b>	RN107248320
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	46959	<b>Order Type</b>	1660
<b>Docket No.</b>	2013-1048-MLM-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Carol McGrath
<b>Multi-Media</b>	Water Quality	<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
Notes	No adjustment for compliance history.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$212	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$2,500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-15.0%	<b>Adjustment</b>	-\$1,125
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Reduction for the risk of litigation.		
	<b>Final Penalty Amount</b>	\$6,375	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,375
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.		
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<b>PAYABLE PENALTY</b>	\$6,375
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**Screening Date** 18-Jun-2014      **Docket No.** 2013-1048-MLM-E  
**Respondent** Renda Environmental, Inc. (RN107248320 Land Application Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107248320  
**Media [Statute]** Air  
**Enf. Coordinator** Carol McGrath

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

### 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 judgments 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)

N/A

**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%

<b>Screening Date</b>	18-Jun-2014	<b>Docket No.</b>	2013-1048-MLM-E	<b>PCW</b>
<b>Respondent</b>	Renda Environmental, Inc. (RN107248320 Land Application Site)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	46959			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN107248320			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Carol McGrath			

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

**Violation Description**

Failed to prevent nuisance odor conditions. Specifically, during an investigation conducted from February 19 through March 27, 2014, TCEQ Dallas/Fort Worth Regional Office investigators documented the existence of nuisance odor conditions at the Land Application Site, caused by the Respondent's land application of biosolids.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two single events are recommended.

**Good Faith Efforts to Comply**

Reduction

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

Notes 

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** Renda Environmental, Inc. (RN107248320 Land Application Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107248320  
**Media** Air  
**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)	\$2,500	19-Feb-2014	1-Nov-2015	1.70	\$212	n/a	\$212

**Notes for DELAYED costs**  
 Estimated costs to implement measures designed to prevent nuisance odor conditions at the biosolids land application site (\$2,000) and to submit a report identifying and describing the measures implemented (\$500). The Date Required is the investigation date and the Final Date is the expected date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$2,500	<b>TOTAL</b>	\$212
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# Compliance History Report

**PENDING** Compliance History Report for CN600418578, RN107248320, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600418578, Renda Environmental, Inc. **Classification:** SATISFACTORY **Rating:** 0.12  
**Regulated Entity:** RN107248320, Midlothian Biosolid Application Sites **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 4 **Repeat Violator:** NO  
**CH Group:** 11 - Waste Management (Excluding Landfills)  
**Location:** At the intersection of Singleton Road and Armstrong Road, south of Midlothian TX, Ellis County  
**TCEQ Region:** REGION 04 - DFW METROPLEX  
**ID Number(s):** **AIR QUALITY NON PERMITTED** ID NUMBER R04107248320  
**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** November 04, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 04, 2009 to November 04, 2014

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.):**

Item 1 July 15, 2014 (1170326)

### **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

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Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	22-Oct-2014		
	<b>PCW</b>	4-May-2015	<b>Screening</b>	22-Oct-2014
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Renda Environmental, Inc. (RN107745002 Land Application Site)
<b>Reg. Ent. Ref. No.</b>	RN107745002
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	46959	<b>Order Type</b>	1660
<b>Docket No.</b>	2013-1048-MLM-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Carol McGrath
<b>Multi-Media</b>	Water Quality	<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$164  
 Estimated Cost of Compliance: \$2,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-15.0%	<b>Adjustment</b>	-\$1,125
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction for the risk of litigation.

<b>Final Penalty Amount</b>	\$6,375
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,375
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,375
------------------------	---------

Screening Date 22-Oct-2014

Docket No. 2013-1048-MLM-E

PCW

Respondent Renda Environmental, Inc. (RN107745002 Land Application Site)

Policy Revision 4 (April 2014)

Case ID No. 46959

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107745002

Media [Statute] Air

Enf. Coordinator Carol McGrath

## Compliance History Worksheet

## &gt;&gt; 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 judgments 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%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	22-Oct-2014	<b>Docket No.</b>	2013-1048-MLM-E	<b>PCW</b>
<b>Respondent</b>	Renda Environmental, Inc. (RN107745002 Land Application Site)			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	46959			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN107745002			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Carol McGrath			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark w th x)

**Notes**

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$164"/>	Violation Final Penalty Total <input type="text" value="\$6,375"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$6,375"/>	

## Economic Benefit Worksheet

**Respondent** Renda Environmental, Inc. (RN107745002 Land Application Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107745002  
**Media** Air  
**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)	\$2,500	11-Jul-2014	1-Nov-2015	1.31	\$164	n/a	\$164

**Notes for DELAYED costs**  
 Estimated costs to implement measures designed to prevent nuisance odor conditions at the biosolids land application site (\$2,000) and to submit a report identifying and describing the measures implemented (\$500). The Date Required is the investigation date and the Final Date is the expected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,500

**TOTAL** \$164

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# Compliance History Report

**PENDING** Compliance History Report for CN600418578, RN107745002, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600418578, Renda Environmental, Inc. **Classification:** SATISFACTORY **Rating:** 0.12

**Regulated Entity:** RN107745002, Biosolids Sites south of Alvarado **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** NO

**CH Group:** 11 - Waste Management (Excluding Landfills)

**Location:** Located at the following sites: off County Roads 401, 106, 204, 203, FM 2415, and Interstate 35 near Alvarado TX, Johnson County

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** **AIR QUALITY NON PERMITTED** ID NUMBER RN107745002

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** November 04, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 04, 2009 to November 04, 2014

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	10-Mar-2014			
	<b>PCW</b>	4-May-2015	<b>Screening</b>	24-Mar-2014	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Renda Environmental, Inc. (RN104297262 Pad Site)				
<b>Reg. Ent. Ref. No.</b>	RN104297262				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46959	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1048-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Air	<b>Enf. Coordinator</b>	Carol McGrath
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,750**

### 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** **\$0**

**Economic Benefit** **50.0%** Enhancement\* **Subtotal 6** **\$1,875**

Total EB Amounts **\$75,820**  
 Approx. Cost of Compliance **\$590,100**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,625**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$5,625**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,625**

**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:

Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$5,625**

Screening Date 24-Mar-2014

Docket No. 2013-1048-MLM-E

PCW

Respondent Renda Environmental, Inc. (RN104297262 Pad Site)

Policy Revision 3 (September 2011)

Case ID No. 46959

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104297262

Media [Statute] Water Quality

Enf. Coordinator Carol McGrath

## Compliance History Worksheet

## &gt;&gt; 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 judgments 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%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	24-Mar-2014	<b>Docket No.</b>	2013-1048-MLM-E	<b>PCW</b>
<b>Respondent</b>	Renda Environmental, Inc. (RN104297262 Pad Site)		Policy Revision 3 (September 2011)	
<b>Case ID No.</b>	46959	PCW Revision August 3, 2011		
<b>Reg. Ent. Reference No.</b>	RN104297262			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Carol McGrath			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>				<b>Percent</b> <input type="text" value="0.0%"/>
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="5.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Good Faith Efforts to Comply

Reduction

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

**Notes**

**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** Renda Environmental, Inc. (RN104297262 Pad Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN104297262  
**Media Violation No.** Water Quality  
 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	\$590,000	31-Dec-2013	1-Nov-2015	1.84	\$3,610	\$72,201	\$75,811
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	\$100	31-Dec-2013	1-Nov-2015	1.84	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to meet the requirements for storing sludge at a beneficial land application site and to obtain written authorization from the Executive Director for the construction of the sludge storage area. 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**

<b>Approx. Cost of Compliance</b>	\$590,100	<b>TOTAL</b>	\$75,820
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# Compliance History Report

**PUBLISHED** Compliance History Report for CN600418578, RN104297262, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600418578, Renda Environmental, Inc. **Classification:** SATISFACTORY **Rating:** 0.40  
**Regulated Entity:** RN104297262, LEWIS & CROFT PROPERTY **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** Sevier Road, Ellis County, Milford, Texas  
**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** July 03, 2014  
**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 03, 2009 to July 03, 2014

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

**Name:** Jacquelyn Green **Phone:** (512) 239-2587

**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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	31-Mar-2014	<b>Screening</b>	14-Apr-2014	<b>EPA Due</b>	
	<b>PCW</b>	4-May-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Renda Environmental, Inc. (RN107147761 Pad Site)
<b>Reg. Ent. Ref. No.</b>	RN107147761
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	46959	<b>Order Type</b>	1660
<b>Docket No.</b>	2013-1048-MLM-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Carol McGrath
<b>Multi-Media</b>	Air	<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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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.

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	50.0% Enhancement*	<b>Subtotal 6</b>	\$1,875
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Total EB Amounts: \$90,381  
 Estimated Cost of Compliance: \$734,100  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$5,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,625
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$5,625
------------------------	---------

**Screening Date** 14-Apr-2014 **Docket No.** 2013-1048-MLM-E  
**Respondent** Renda Environmental, Inc. (RN107147761 Pad Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107147761  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Carol McGrath

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

### 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 judgments 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)

N/A

**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%

<b>Screening Date</b>	14-Apr-2014	<b>Docket No.</b>	2013-1048-MLM-E	<b>PCW</b>
<b>Respondent</b>	Renda Environmental, Inc. (RN107147761 Pad Site)			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46959			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN107147761			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Carol McGrath			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5.0%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)	
<b>Notes</b>	<input type="text" value="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** Renda Environmental, Inc. (RN107147761 Pad Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107147761  
**Media Violation No.** Water Quality  
 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	\$734,000	28-Jan-2014	1-Nov-2015	1.76	\$4,303	\$86,069	\$90,372
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	\$100	28-Jan-2014	1-Nov-2015	1.76	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to meet the requirements for storing sludge at a beneficial land application site and to obtain written authorization from the Executive Director for the construction of the sludge storage area. 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 \$734,100

**TOTAL** \$90,381

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN600418578, RN107147761, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600418578, Renda Environmental, Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.40
<b>Regulated Entity:</b>	RN107147761, KENNETH BRADDOCK APPLICATION SITE	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	Near Farm-to-Market Road 1182, Ellis County, Ennis, Texas				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				
<b>ID Number(s):</b>	WATER QUALITY NON PERMITTED ID NUMBER R04107147761				
<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b>	2013	<b>Rating Date:</b>	09/01/2013
<b>Date Compliance History Report Prepared:</b>	July 03, 2014				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	July 03, 2009 to July 03, 2014				

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

**Name:** Jacquelyn Green

**Phone:** (512) 239-2587

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Apr-2014	Screening	21-Apr-2014	EPA Due	
	PCW	4-May-2015				

**RESPONDENT/FACILITY INFORMATION**

Respondent	Renda Environmental, Inc. (RN107147753 Pad Site)		
Reg. Ent. Ref. No.	RN107147753		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

**CASE INFORMATION**

Enf./Case ID No.	46959	No. of Violations	1
Docket No.	2013-1048-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Carol McGrath
		EC's Team	Enforcement Team 4
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	\$97,153	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$789,100	

**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** 21-Apr-2014 **Docket No.** 2013-1048-MLM-E  
**Respondent** Renda Environmental, Inc. (RN107147753 Pad Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107147753  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Carol McGrath

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

### 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 judgments 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)**

N/A

**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** 21-Apr-2014 **Docket No.** 2013-1048-MLM-E **PCW**

**Respondent** Renda Environmental, Inc. (RN107147753 Pad Site) *Policy Revision 4 (April 2014)*  
**Case ID No.** 46959 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN107147753  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Carol McGrath

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 312.50(a)  
**Violation Description** Failed to obtain written authorization from the Executive Director prior to construction of a sludge storage area at a beneficial land application site.

**Base Penalty** \$25,000

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

OR	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 3 83 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

Three monthly events are recommended from the investigation date (January 28, 2014) to the screening date (April 21, 2014).

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$3,750

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

**Estimated EB Amount** \$97,153 **Violation Final Penalty Total** \$5,625

**This violation Final Assessed Penalty (adjusted for limits)** \$5,625

## Economic Benefit Worksheet

**Respondent** Renda Environmental, Inc. (RN107147753 Pad Site)  
**Case ID No.** 46959  
**Reg. Ent. Reference No.** RN107147753  
**Media** Water Quality  
**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	\$789,000	28-Jan-2014	1-Nov-2015	1.76	\$4,626	\$92,518	\$97,144
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	\$100	28-Jan-2014	1-Nov-2015	1.76	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to meet the requirements for storing sludge at a beneficial land application site and to obtain written authorization from the Executive Director for the construction of the sludge storage area. 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

\$789,100

**TOTAL**

\$97,153

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN600418578, RN107147753, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600418578, Renda Environmental, Inc. **Classification:** SATISFACTORY **Rating:** 0.40

**Regulated Entity:** RN107147753, BOB MITCHELL APPLICATION SITE **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** Near Blindsay Road and Highway 34, Kaufman County, Rosser, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** **WATER QUALITY NON PERMITTED** ID NUMBER R04107147753

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

**Date Compliance History Report Prepared:** July 03, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 03, 2009 to July 03, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jacquelyn Green **Phone:** (512) 239-2587

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN** § **BEFORE THE**  
**ENFORCEMENT ACTION** §  
**CONCERNING** §  
**RENDA ENVIRONMENTAL, INC.;** § **TEXAS COMMISSION ON**  
**RN104297262, RN106718620,** §  
**RN107147753, RN107147761,** §  
**RN107248320, AND RN107745002** § **ENVIRONMENTAL QUALITY**

## AGREED ORDER

**DOCKET NO. 2013-1048-MLM-E**

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Renda Environmental, Inc. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by John A. Riley of the law firm Bracewell & Giuliani LLP, together stipulate that:

1. Respondent owns and operates a biosolids land application business with a business office located at 2501 Greenbelt Road, Fort Worth, Tarrant County, Texas, and land applies biosolids in Wise County (RN106718620), Ellis County (RN107248320), and Johnson County (RN107745002), Texas (collectively referred to as the "Land Application Sites"). The violations involve one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. Respondent also owns and operates biosolids storage pads located at Sevier Road in Milford, Ellis County (RN104297262), near Farm-to-Market Road 1182 in Ennis, Ellis County (RN107147761), and near Blindsay Road and Highway 34 in Rosser, Kaufman County (RN107147753), Texas (collectively referred to as the "Pad Sites"). The Pad Sites contain and/or involve the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, 7.070, and 7.073, and that Respondent is subject to the TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 382, and the rules of the TCEQ.
4. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of thirty-six thousand dollars (\$36,000.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid thirty-six thousand dollars (\$36,000.00) of the administrative penalty.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
11. The Executive Director recognizes that Respondent has implemented the following corrective measures:
  - a. Respondent has assisted a generator of the biosolids ("Generator") with development of a TCEQ-mandated odor control plan, which is currently being reviewed by TCEQ.
  - b. Respondent is supporting the Generator in its efforts to adopt a vector attraction reduction alternative that will not require its biosolids to be subject to a 24-hour hold time.
  - c. Respondent is supporting the Generator in its efforts to add ferric chloride to its biosolids to improve odor control.
  - d. Respondent is supporting the Generator in its efforts to reduce or remove the lime needed for its biosolids.
  - e. Respondent, with the agreement of the Generator, is identifying material that does not have a typical biosolids odor and could potentially create a nuisance condition so that it can be hauled to a local landfill instead of being land applied.

## **II. ALLEGATIONS**

1. During investigations conducted at the Land Application Sites between May 2, 2013, and October 2, 2014, TCEQ Dallas/Fort Worth Regional Office investigators documented that Respondent violated 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b), by failing to prevent nuisance odor conditions. Specifically, TCEQ investigators documented the existence of nuisance odor conditions at the Land Application Sites, caused by the Respondent's land application of biosolids.
2. During investigations conducted at the Pad Sites on December 31, 2013, and January 28, 2014, TCEQ Dallas/Fort Worth Regional Office investigators documented that Respondent failed to obtain written authorization from the Executive Director prior to construction of a sludge storage area at a beneficial land application site, in violation of 30 TEX. ADMIN. CODE § 312.50(a).

## **III. DENIALS**

Respondent generally denies each Allegation in Section II.

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph No. 5. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, cease storing sludge at the Pad Sites until authorization has been obtained and all requirements for storing sludge at a beneficial land application site have been met.
  - b. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information from the Executive Director concerning the authorization to construct storage areas at the Pad Sites within 30 days after the date of such requests, or by any other deadline specified in writing.
  - c. Within 60 days after the effective date of this Order, implement measures designed to prevent nuisance odor conditions at all biosolids land application sites.
  - d. Within 90 days after the effective date of this Order:
    - i. Submit a report to the addresses listed in Ordering Provision No. 2.d.ii. identifying and describing the measures implemented pursuant to Ordering Provision No. 2.c. The report shall include supporting documentation such as standard operating procedures, any analytical results, or other records of the measures taken; and
    - ii. Submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.c. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

Respondent shall submit the written certification and 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:

Air Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

and:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Land Application Sites' and Pad Sites' operations referenced in this Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 Order, or (2) pursue violations of a statute within the TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner,

person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*[Signature]*  
For the Executive Director

July 2, 2015  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- The 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]*  
Signature

5/4/15  
Date

RAQUEL RENDA  
Name (Printed or typed)  
Authorized representative of  
Renda Environmental, Inc.

VP  
Title

If mailing address has changed, please check this box and provide the new address below:

\_\_\_\_\_

RECEIVED  
MAY 05 2015

OFFICE OF LEGAL SERVICES

**From:** [Michelle Hillery](#)  
**To:** [Jennifer Cook](#)  
**Subject:** Re: ONEC Agreed Order  
**Date:** Thursday, June 18, 2015 12:12:40 PM

---

I would like to file this as a formal response and request that all comments from the distribution list to you on this matter also be included.

Thanks,  
Michelle

Sent from my iPhone

> On Jun 18, 2015, at 9:24 AM, Jennifer Cook <[jennifer.cook@tceq.texas.gov](mailto:jennifer.cook@tceq.texas.gov)> wrote:

>

> Michelle,

>

> Thank you for your comments. Are your comments below intended to be a response to just me, or do you want me to file your email as an official comment for the Commissioners' consideration? If you would like me to file it and treat it as a comment to the Commission, please respond to this email letting me know. Thanks.

>

> Jennifer

>

>

> -----Original Message-----

> From: Michelle Hillery [<mailto:mhillster@gmail.com>]

> Sent: Saturday, June 06, 2015 10:29 AM

> To: Jennifer Cook

> Subject: ONEC Agreed Order

>

> Hi Jennifer,

>

> Thanks for sending this. However, I believe the intent of the complaints was not to enforce existing rules and policies on Renda, which should be adhered to anyway. They just got caught this time and they will continue to try to get by with violating the rules. The intent was to stop the practice of using bio fertilizers. I'm certain that the agreed order will not be sufficient for those on the distribution list as satisfactory.

>

> Regards,

> Michelle



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 25, 2015

Michelle Hillery  
[mhillerster@gmail.com](mailto:mhillerster@gmail.com)  
**Via Electronic Mail**

Re: Proposed Agreed Order; Renda Environmental, Inc. (Renda Environmental);  
TCEQ Docket No. 2013-1048-MLM-E

Dear Ms. Hillery:

We are in receipt of your comment regarding the above-referenced proposed Agreed Order published in the *Texas Register* on June 5, 2015. Thank you for sharing your concerns. In your comment you express disappointment in the TCEQ for not eliminating the land application of biosolids; you also request that I submit as comments all emails submitted to [onec@tceq.texas.gov](mailto:onec@tceq.texas.gov).

The goal of the enforcement process is to ensure the regulated community's compliance with Texas statutes and TCEQ rules. The land application of biosolids is a legally permissible activity, when conducted in compliance with applicable regulations. However, causing an odor nuisance, as alleged in the proposed Agreed Order, is a violation of TCEQ rules. While the proposed Agreed Order does not require Renda Environmental to cease land applying biosolids, it does order Renda Environmental to stop causing odor nuisances at all sites where it land applies biosolids. Please be assured that the TCEQ takes its enforcement responsibility very seriously. The TCEQ is committed to a standard of excellence and we will continue to monitor the situation and respond to complaints as they are received.

As to your request for me to submit other persons' emails as comments, I cannot submit other persons' writings based on your request. The email address [onec@tceq.texas.gov](mailto:onec@tceq.texas.gov) was created to provide information to potential witnesses. However, as a courtesy I have offered to file emails received at this email address during the comment period. As I did with your email, for each email received during the comment period that could be considered a comment, I have contacted the author of the email and offered to file it as a

comment if the author confirms in writing that he or she wishes the comment to be filed. I will continue to reach out to the authors of the emails and file those emails as a comment if that is the author's wish.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Cook', is written over a horizontal line.

Jennifer Cook, Staff Attorney  
Office of Legal Services  
Litigation Division  
Texas Commission on Environmental Quality

cc: TCEQ Office of the Chief Clerk  
Patrick Caballero, Counsel for Respondent  
Rudy Calderon, Office of Public Interest Counsel

**From:** Bobby & Maureen Petty <bpetty@skybeammail.com>  
**Sent:** Monday, June 22, 2015 6:44 PM  
**To:** ONEC  
**Subject:** Re: Proposed Agreed Order Attached

yes that's fine

**From:** [ONEC](#)  
**Sent:** Monday, June 22, 2015 5:04 PM  
**To:** [Bobby & Maureen Petty](#)  
**Subject:** RE: Proposed Agreed Order Attached  
Mr. and Ms. Petty,

I can file this email chain for you as an official comment if you would like me to. That way you would not have to file it yourself. I will need you to confirm that is what you want me to do. Thanks.

Jennifer

---

**From:** Bobby & Maureen Petty [<mailto:bpetty@skybeammail.com>]  
**Sent:** Thursday, June 18, 2015 9:07 PM  
**To:** ONEC  
**Subject:** Re: Proposed Agreed Order Attached

I don't know how to file it, I don't know how this process works. I have never complained about air quality before until someone uses human feces as fertilizer smelling up the whole town!

**From:** [ONEC](#)  
**Sent:** Thursday, June 18, 2015 4:46 PM  
**To:** [Bobby & Maureen Petty](#)  
**Subject:** RE: Proposed Agreed Order Attached

Mr. and Ms. Petty,

Thank you for your comments. Are your comments below intended to be a response to just me, or do you want me to file your email as an official comment for the Commissioners' consideration? If you would like me to file it and treat it as a comment to the Commission, please respond to this email letting me know. Thanks.

Jennifer

---

**From:** Bobby & Maureen Petty [<mailto:bpetty@skybeammail.com>]  
**Sent:** Friday, June 05, 2015 2:04 PM  
**To:** ONEC  
**Subject:** Re: Proposed Agreed Order Attached

It is nice they pay a fine but how does that help us having to smell that awful stench giving us headaches, making us sick, making it so we can't even go outside and enjoy our yard? Something

else has to change and I feel like we have been sold out so someone else collects money while we suffer. They just need to go out of the area. No sense in smelling this IN TOWN. It is disgusting. If they want to buy my property so I can move away then they can do what they want. Until then I paid for my property and I should be able to go outside without the DISGUSTING smell that radiates MILES from that site. I am not the only alvarado resident feeling this way. Who gets the fine? How does that help us who have had to endure the smells and feeling sick from them?

**From:** [ONEC](#)

**Sent:** Friday, June 05, 2015 1:53 PM

**To:** [ONEC](#)

**Subject:** Proposed Agreed Order Attached

Attached is a copy of the agreed order that we anticipate proposing to the commission.

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comments on the attached Agreed Order in accordance with Texas Water Code §7.075. The Texas Water Code (section 7.075) requires that before the commission may approve an Agreed Order, the commission shall allow the public an opportunity to submit **written comments** on the proposed Agreed Order. The Texas Water Code (section 7.075) requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 6, 2015**. The Texas Water Code (section 7.075) also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an Agreed Order if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed Agreed Order is not required to be published if those changes are made in response to written comments.

Written comments about the Agreed Order should be sent to me at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 6, 2015**. Comments may also be sent by facsimile machine to me at (512)-239-3434. I am also available to discuss the Agreed Order and/or the comment procedure at the listed phone number in my signature; however, the Water Code (section 7.075) provides that comments on an Agreed Order shall be submitted to the commission in **writing**.

Jennifer Cook  
Attorney, Litigation Division  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Bldg. A  
Austin, Texas 78753  
P.O. Box 13087  
Austin, Texas 78711-3087  
512.239.1873 (direct line) / 512.239.3434 (fax)  
[jennifer.cook@tceq.texas.gov](mailto:jennifer.cook@tceq.texas.gov)

