

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46406
ALAMO RECYCLE CENTERS LLC
RN101628410
Docket No. 2013-0499-MSW-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

Municipal Solid Waste (MSW)

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

7240 East Interstate Highway 10, San Antonio, Bexar County

Type of Operation:

unauthorized municipal solid waste disposal site

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: \$772.50 (2011-2278-MSW-E; referred for collection)
Past-Due Fees: \$2,443.50 (Stormwater Permit, Acct. No. 20041156);
\$510.50 (Stormwater Permit, Acct No. 20039224)
(both referred for collection)

Other: None
Interested Third-Parties: None

Texas Register Publication Date: March 13, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$14,250

Total Paid to General Revenue: \$425

Total Due to General Revenue: \$13,825

Payment Plan: 35 payments of \$395 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

ALAMO RECYCLE CENTERS LLC

RN101628410

Docket No. 2013-0499-MSW-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: January 31, 2013
Date(s) of NOV(s): N/A
Date(s) of NOE(s): February 15, 2013

Violation Information

Failed to prevent the unauthorized collection, storage, or disposal of MSW (approx. 72,975 cubic yards of asphalt shingles and mulch) [30 TEX. ADMIN. CODE §§ 330.7(a) and 330.15(a) and (c)].

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

Respondent no longer operates the Site as of May 2013.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: May 22, 2013
Date Answer Filed: June 28, 2013
SOAH Referral Date: August 16, 2013; June 30, 2015
Hearing Date(s):
Preliminary Hearing: January 23, 2014 (waived); August 13, 2015 (waived)
Evidentiary Hearing: July 18, 2014 (continued); December 3, 2015 (scheduled)
Settlement Date: November 17, 2014; December 2, 2015

Contact Information

TCEQ Attorneys: Ryan Rutledge, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Michael Meyer, Enforcement Division, (512) 239-4492

TCEQ Regional Contact: Cameron Lopez, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Robert King, President, Alamo Recycle Centers LLC, 318 E. Nakoma, Suite 145, San Antonio, Texas 78216-2751

Respondent's Attorney: Mark McPherson, McPherson LawFirm, P.C., 15950 Dallas Parkway, Suite 400, Dallas, Texas 75248



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	19-Feb-2013		
	PCW	14-Nov-2014	Screening	1-Mar-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	ALAMO RECYCLE CENTERS LLC
Reg. Ent. Ref. No.	RN101628410
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46406	No. of Violations	1
Docket No.	2013-0499-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michael Meyer
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$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	40.0% Enhancement Subtotals 2, 3, & 7	\$3,000

Notes: Enhancement for two previous orders with a denial of liability.

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	\$3,750
Total EB Amounts	\$23,161	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$657,870		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,250
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			

Final Penalty Amount \$14,250

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,250
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)				
Notes	No deferral is recommended for Findings Orders.			

PAYABLE PENALTY	\$14,250
------------------------	----------

Screening Date 1-Mar-2013 **Docket No.** 2013-0499-MSW-E
Respondent ALAMO RECYCLE CENTERS LLC
Case ID No. 46406
Reg. Ent. Reference No. RN101628410
Media [Statute] Municipal Solid Waste
Enf. Coordinator Michael Meyer

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>)	2	40%
	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) 40%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two previous orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 1-Mar-2013
Respondent ALAMO RECYCLE CENTERS LLC
Case ID No. 46406
Reg. Ent. Reference No. RN101628410
Media [Statute] Municipal Solid Waste
Enf. Coordinator Michael Meyer

Docket No. 2013-0499-MSW-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 330.7(a), 330.15(a) and (c)

Violation Description

Failed to prevent the unauthorized collection, storage or disposal of municipal solid waste ("MSW"). Specifically, the Respondent collected, stored, or disposed of approximately 72,975 cubic yards of MSW comprised of asphalt shingles, mulch at the Site.

Base Penalty \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the January 31, 2013 investigation to the March 1, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23,161

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent ALAMO RECYCLE CENTERS LLC
Case ID No. 46406
Reg. Ent. Reference No. RN101628410
Media 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)	\$657,870	31-Jan-2013	15-Oct-2013	0.70	\$23,161	n/a	\$23,161

Notes for DELAYED costs
 Estimated cost to transport the MSW to an authorized facility for recycling or disposal. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$657,870

TOTAL \$23,161



Compliance History Report

PUBLISHED Compliance History Report for CN603683103, RN101628410, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN603683103, ALAMO RECYCLE CENTERS LLC	Classification: SATISFACTORY	Rating: 6.06
Regulated Entity:	RN101628410, ALAMO RECYCLE CENTERS	Classification: SATISFACTORY	Rating: 26.67
Complexity Points:	6	Repeat Violator:	NO
CH Group:	05 - Chemical Manufacturing		
Location:	7240 E IH 10 SAN ANTONIO, TX 78219-4805, BEXAR COUNTY		
TCEQ Region:	REGION 13 - SAN ANTONIO		
ID Number(s):	MUNICIPAL SOLID WASTE PROCESSING PERMIT 100276 MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER 455130074 AIR NEW SOURCE PERMITS REGISTRATION 92708 STORMWATER PERMIT TXR05BC89		
Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year:	2012
		Rating Date:	09/01/2012
Date Compliance History Report Prepared:	March 07, 2013		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	March 07, 2008 to March 07, 2013		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Michael Meyer	Phone:	(512) 239-4492

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:

- 1 Effective Date: 06/20/2011 ADMINORDER 2010-1438-MSW-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 328, SubChapter A 328.5(c)
Description: Failed to provide a closure cost estimate at least 90 days prior to receipt of materials. Specifically, the Respondent did not provide a cost closure estimate at least 90 days prior to accepting asphalt shingles, construction wood board, cardboard, metals and incidental debris at the Facility.
Classification: Major
Citation: 30 TAC Chapter 328, SubChapter A 328.5(d)
30 TAC Chapter 37, SubChapter J 37.921(b)(1)(A)
Description: Failed to demonstrate financial assurance for closure of the Facility
- 2 Effective Date: 11/12/2012 ADMINORDER 2011-2278-MSW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 328, SubChapter A 328.5(c)
30 TAC Chapter 328, SubChapter A 328.5(f)(3)
Description: Failure to provide, as required, adequate financial assurance (FA) mechanism. Gross deficiencies in the amount of FA provided due to quantities combustible material stored outdoors exceeding current FA coverage. The estimated amount exceeds the facility's cost estimate of 1,109 cubic yards maximum and \$10,000 financial assurance mechanism. The total volume of combustible material onsite was estimated at 20,123 cubic yards.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 10, 2013 (1027143)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALAMO RECYCLE CENTERS LLC;
RN101628410**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-0499-MSW-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ALAMO RECYCLE CENTERS LLC ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Mark McPherson of the law firm McPherson LawFirm, P.C., presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights.

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

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

FINDINGS OF FACT

1. Respondent operated an unauthorized municipal solid waste disposal site located at 7240 East Interstate Highway 10 in San Antonio, Bexar County, Texas (the "Site"). The Site involves the management and/or the disposal of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on January 31, 2013, an investigator documented that Respondent failed to prevent the unauthorized collection, storage, or disposal of MSW. Specifically, approximately 72,975 cubic yards of MSW, comprised of asphalt shingles and mulch, was stored, processed or disposed of at the Site.
3. The Executive Director recognizes that the Site was sold in May 2013 and Respondent no longer operates the Site.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent the unauthorized collection, storage, or disposal of MSW, in violation of 30 TEX. ADMIN. CODE §§ 330.7(a) and 330.15(a) and (c).

3. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of fourteen thousand two hundred fifty dollars (\$14,250.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid four hundred twenty-five dollars (\$425.00) of the administrative penalty. The remaining amount of thirteen thousand eight hundred twenty-five dollars (\$13,825.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of three hundred ninety-five dollars (\$395.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: ALAMO RECYCLE CENTERS LLC, Docket No. 2013-0499-MSW-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Respondent.
4. 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.
5. 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.

6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. 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.
9. 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.
10. 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

Date


For the Executive Director

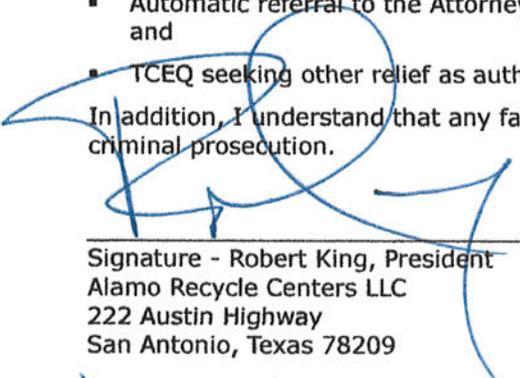

Date

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.

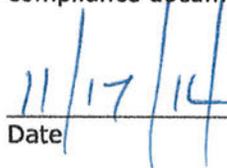
I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- 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
- 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 - Robert King, President
Alamo Recycle Centers LLC
222 Austin Highway
San Antonio, Texas 78209

Date



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


318 E. NAKOMA #115, SA, TX 78216