

**Executive Summary – Enforcement Matter – Case No. 51427
Green Ground LLC and Chris Panagopoulos
RN106529118
Docket No. 2015-1587-MLM-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – AIR, MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Green Ground Compost, 7513 Anglin Drive, Fort Worth, Tarrant County

Type of Operation:

Composting facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

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

Texas Register Publication Date: May 13, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,507

Amount Deferred for Expedited Settlement: \$2,901

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$336

Total Due to General Revenue: \$11,270

Payment Plan: 35 payments of \$322 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications (CN604151142):

Person/CN - Unclassified

Site/RN - Unclassified

Compliance History Classifications (CN603336512):

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): June 24, 2015

Complaint Information: Alleged that the Facility was: (1) dumping trash along with vegetative material that was attracting rodents; (2) leaking oil from equipment, and; (3) allowing oil barrels to overflow during rain events.

Date(s) of Investigation: July 9, 2015

Date(s) of NOE(s): October 1, 2015

Violation Information

1. Failed to water, treat with dust-suppressant chemicals, or pave all in-plant roads and vehicle works areas at the Site [30 TEX. ADMIN. CODE § 332.8(c)(2)].
2. Failed to equip the outdoor grinder at the Site with fog nozzles or have portable watering equipment during grinding operations at the Site [30 TEX. ADMIN. CODE § 332.8(c)(4)].
3. Failed to equip the conveyors utilized to off-load materials from the outdoor grinder at the Site with a water or mechanical dust suppression system [30 TEX. ADMIN. CODE § 332.8(c)(5)].
4. Failed to establish and maintain financial assurance for closure of the Site [30 TEX. ADMIN. CODE §§ 37.921 and 328.5(d)].
5. Failed to provide a written cost estimate for closure of the Site [30 TEX. ADMIN. CODE § 328.5(c)(1)].
6. Failed to obtain a permit or registration prior to processing loads of recyclable material that contained more than incidental amounts of non-recyclable waste [30 TEX. ADMIN. CODE § 328.4(d)].
7. Failed to provide notification within 90 days prior to any change in Site operations. Specifically, the Respondents were collecting and processing brush and tree material as well as baked goods at the Site [30 TEX. ADMIN. CODE §§ 328.5(b) and 332.23(5)].
8. Failed to maintain recycling records and make them available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 328.5(f)(1), (f)(2), and (g)].
9. Failed to perform cleanup actions upon detection of a release of used oil. Specifically, used oil was spilled onto the soil near two containers of used oil at the Site [30 TEX. ADMIN. CODE § 324.15 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d)].

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10. Failed to mark or clearly label used oil storage containers with the words "Used Oil". Specifically, two containers being used to store used oil at the Site were not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents submitted documentation demonstrating that all containers being used to store used oil at the Site have been labeled with the words "Used Oil" on November 20, 2015.

Technical Requirements:

The Order will require the Respondents to:

a. Immediately:

- i. Cease any additional discharge of used oil at the Site and begin proper remediation and removal of contaminated soil;
- ii. Cease any additional unauthorized processing of loads of recyclable material containing more than incidental amounts of non-recyclable waste; and
- iii. Begin maintaining all recycling records.

b. Within 30 days:

- i. Develop and implement procedures designed to ensure all in-plant roads and vehicle work areas at the Site are watered, treated with dust-suppressant chemicals, or paved;
- ii. Install fog nozzles or a mechanical dust suppression system on the outdoor grinder and/or grinder conveyors;
- iii. Submit documentation to demonstrate acceptable financial assurance for closure of the Site;
- iv. Provide a written cost estimate for closure of the Site;
- v. Provide notification that includes an accurate description of recycling activities;
- vi. Obtain a permit or registration for processing loads of recyclable material that contain more than incidental amounts of non-recyclable waste; and

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vii. Submit a report that includes a summary of remediation activities that took place, confirming that all contaminated soil at the Site has been properly remediated. Remediation activities will address all areas where soil has been contaminated with used oil at the Site. The report shall include analytical results of soil confirmation sampling which characterizes the effectiveness of contaminated soil removal in all contaminated areas and documentation that contaminated soil has been disposed of at an authorized facility.

c. Within 45 days, submit written certification to demonstrate compliance with a. and b.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2576; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: N/A
Respondent: Daniel Gardner, Co-Owner, Green Ground LLC, P.O. Box 8803, Fort Worth, Texas 76124-0803
Chris Panagopoulos, Property Owner, P.O. Box 8803, Fort Worth, Texas 76124-0803
Mike Crockett, Managing Member, Green Ground LLC, P.O. Box 8803, Fort Worth, Texas 76124-0803
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	5-Oct-2015	Screening	7-Oct-2015	EPA Due	
	PCW	4-Mar-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Green Ground LLC and Chris Panagopoulos		
Reg. Ent. Ref. No.	RN106529118		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51427	No. of Violations	6
Docket No.	2015-1587-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media	Used Oil & Air	Enf. Coordinator	Abigail Lindsey
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: No adjustment for compliance history.

Culpability Enhancement **Subtotal 4**

Notes: The Respondents do not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**
*Capped at the Total EB \$ Amount

Total EB Amounts	\$1,337
Estimated Cost of Compliance	\$5,987

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: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 2.

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: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

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PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Air

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 332.8(c)(2), (c)(4), and (c)(5)

Violation Description

Failed to water, treat with dust-suppressant chemicals, or pave all in-plant roads and vehicle works areas at the Site. Failed to equip the outdoor grinder at the Site with fog nozzles or have portable watering equipment during grinding operations at the Site. Also, failed to equip the conveyors utilized to off-load materials from the outdoor grinder at the Site with a water or mechanical dust suppression system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

90 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended based on documentation of the violation during the July 9, 2015 investigation to the October 7, 2015 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$1,358

This violation Final Assessed Penalty (adjusted for limits) \$1,358

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos
Case ID No. 51427
Reg. Ent. Reference No. RN106529118
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$500	9-Jul-2015	1-Jul-2016	0.98	\$2	\$33	\$34
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	9-Jul-2015	1-Jul-2016	0.98	\$49	n/a	\$49

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure all in-plant roads and vehicle work areas at the Site are watered, treated with dust-suppressant chemicals, or paved (\$1,000). Estimated cost to install fog nozzles or a mechanical dust suppression system on the outdoor grinder and/or the grinder conveyors (\$500). Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$83

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PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 37.921 and 328.5(d)

Violation Description

Failed to establish and maintain financial assurance for closure of the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

90 Number of violation days

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

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,082

Violation Final Penalty Total \$1,358

This violation Final Assessed Penalty (adjusted for limits) \$1,358

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos
Case ID No. 51427
Reg. Ent. Reference No. RN106529118
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$987	9-Jul-2014	9-Jul-2015	1.92	\$95	\$987	\$1,082
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for obtaining financial assurance for approximately 2,089 cubic yards of combustible materials stored outdoors. Date Required is one year prior to the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance	\$987	TOTAL	\$1,082
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Screening Date 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

Violation Number 3

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

Violation Description Failed to provide a written cost estimate for closure of the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 90

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'x' is marked in the 'single event' row.

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. 'x' is marked in the 'N/A' row.

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$1,358

This violation Final Assessed Penalty (adjusted for limits) \$1,358

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos
Case ID No. 51427
Reg. Ent. Reference No. RN106529118
Media Municipal Solid Waste
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit is covered under violation no. 2.

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

\$0

TOTAL

\$0

Screening Date 7-Oct-2015

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PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 328.4(d)

Violation Description

Failed to obtain a permit or registration prior to processing loads of recyclable material that contained more than incidental amounts of non-recyclable waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

90 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

Three monthly events are recommended based on documentation of the violation during the July 9, 2015 investigation to the October 7, 2015 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondents do 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 \$49

Violation Final Penalty Total \$4,075

This violation Final Assessed Penalty (adjusted for limits) \$4,075

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos

Case ID No. 51427

Reg. Ent. Reference No. RN106529118

Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	9-Jul-2015	1-Jul-2016	0.98	\$49	n/a	\$49
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit or registration for processing loads of recyclable material that contain more than incidental amounts of non-recyclable waste. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$49

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PCW

Respondent Green Ground LLC and Chris Panagopoulos

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Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 328.5(b) and 332.23(5)

Violation Description Failed to provide notification within 90 days prior to any change in Site operations. Specifically, the Respondents were collecting and processing brush and tree material as well as baked goods at the 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 90 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 based on documentation of the violation during the July 9, 2015 investigation to the October 7, 2015 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondents do 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 \$74 Violation Final Penalty Total \$4,075

This violation Final Assessed Penalty (adjusted for limits) \$4,075

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos

Case ID No. 51427

Reg. Ent. Reference No. RN106529118

Media Municipal Solid Waste

Violation No. 5

Percent Interest	5.0	Years of Depreciation	15
-------------------------	-----	------------------------------	----

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,500	9-Jul-2015	1-Jul-2016	0.98	\$74	n/a	\$74
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$74

Screening Date 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Municipal Solid Waste

Enf. Coordinator Abigail Lindsey

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 328.5(f)(1), (f)(2), and (g)

Violation Description

Failed to maintain recycling records and make them available for inspection upon request by agency personnel.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$1,358

This violation Final Assessed Penalty (adjusted for limits) \$1,358

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos

Case ID No. 51427

Reg. Ent. Reference No. RN106529118

Media Municipal Solid Waste

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	9-Jul-2015	1-Jul-2016	0.98	\$49	n/a	\$49
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain recycling records. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$49



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Oct-2015	Screening	7-Oct-2015	EPA Due	
	PCW	12-Nov-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Green Ground LLC and Chris Panagopoulos		
Reg. Ent. Ref. No.	RN106529118		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51427	No. of Violations	2
Docket No.	2015-1587-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Municipal Solid Waste & Air	Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

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 Adjustment **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	\$50
Estimated Cost of Compliance	\$1,050

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **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 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Used Oil

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Used Oil

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 324.15 and 40 Code of Federal Regulations ("CFR") § 279.22(d)

Violation Description Failed to perform cleanup actions upon detection of a release of used oil. Specifically, used oil was spilled onto the soil near two containers of used oil at the Site.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

90 Number of violation days

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

Violation Base Penalty \$250

One quarterly event is recommended based on documentation of the violation during the July 9, 2015 investigation to the October 7, 2015 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$250

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

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos

Case ID No. 51427

Reg. Ent. Reference No. RN106529118

Media Used Oil

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,000	9-Jul-2015	1-Jul-2016	0.98	\$49	n/a	\$49
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of oil-contaminated soils at an authorized facility. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$49

Screening Date 7-Oct-2015

Docket No. 2015-1587-MLM-E

PCW

Respondent Green Ground LLC and Chris Panagopoulos

Policy Revision 4 (April 2014)

Case ID No. 51427

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106529118

Media [Statute] Used Oil

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 324.6 and 40 CFR § 279.22(c)(1)

Violation Description Failed to mark or clearly label used oil storage containers with the words "Used Oil". Specifically, two containers being used to store used oil at the Site were not labeled with the words "Used Oil".

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 3 90 Number of violation days

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

Violation Base Penalty \$750

Three monthly events are recommended based on documentation of the violation during the July 9, 2015 investigation to the October 7, 2015 screening date.

Good Faith Efforts to Comply

10.0% Reduction \$75

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent came into compliance on November 20, 2015, after the Notice of Enforcement dated October 1, 2015.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent Green Ground LLC and Chris Panagopoulos
Case ID No. 51427
Reg. Ent. Reference No. RN106529118
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	9-Jul-2015	20-Nov-2015	0.37	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to properly label the used oil containers with the words "Used Oil". Date Required is the investigation date. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN604151142, RN106529118, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604151142, Green Ground LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN106529118, Green Ground Compost **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 7513 ANGLIN DR FORT WORTH, TX 76140-2301, TARRANT COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
MUNICIPAL SOLID WASTE PROCESSING REGISTRATION
47046

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: October 07, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 07, 2010 to October 07, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Keith Frank **Phone:** (512) 239-1203

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? 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

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN603336512, RN106529118, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN603336512, Chris Panagopoulos **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN106529118, Green Ground Compost **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 7513 ANGLIN DR FORT WORTH, TX 76140-2301, TARRANT COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

MUNICIPAL SOLID WASTE PROCESSING REGISTRATION
47046

MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
R04106529118

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: October 07, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 07, 2010 to October 07, 2015

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

Name: Keith Frank

Phone: (512) 239-1203

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GREEN GROUND LLC AND
CHRIS PANAGOPOULOS
RN106529118**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1587-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Green Ground LLC and Chris Panagopoulos ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE chs. 361, 371, and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. Chris Panagopoulos owns the property and Green Ground LLC operates a composting facility located at 7513 Anglin Drive in Fort Worth, Tarrant County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste and used oil as defined in TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Site also consists of one of more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about October 6, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fourteen Thousand Five Hundred Seven Dollars (\$14,507) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Three Hundred Thirty-Six Dollars (\$336) of the administrative penalty and Two Thousand Nine Hundred One Dollars (\$2,901) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondents to pay all or part of the deferred penalty.

The remaining amount of Eleven Thousand Two Hundred Seventy Dollars (\$11,270) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Twenty-Two Dollars (\$322) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondents agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondents submitted documentation demonstrating that all containers being used to store oil at the Site have been labeled with the words "Used Oil" on November 20, 2015.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondents are alleged to have:

1. Failed to water, treat with dust-suppressant chemicals, or pave all in-plant roads and vehicle works areas at the Site, in violation of 30 TEX. ADMIN. CODE § 332.8(c)(2), as documented during an investigation conducted on July 9, 2015.
2. Failed to equip the outdoor grinder at the Site with fog nozzles or have portable watering equipment during grinding operations at the Site, in violation of 30 TEX. ADMIN. CODE § 332.8(c)(4), as documented during an investigation conducted on July 9, 2015
3. Failed to equip the conveyors utilized to off-load materials from the outdoor grinder at the Site with a water or mechanical dust suppression system, in violation of 30 TEX. ADMIN. CODE § 332.8(c)(5), as documented during an investigation conducted on July 9, 2015
4. Failed to establish and maintain financial assurance for closure of the Site, in violation of 30 TEX. ADMIN. CODE §§ 37.921 and 328.5(d), as documented during an investigation conducted on July 9, 2015.
5. Failed to provide a written cost estimate for closure of the Site, in violation of 30 TEX. ADMIN. CODE § 328.5(c)(1), as documented during an investigation conducted on July 9, 2015.
6. Failed to obtain a permit or registration prior to processing loads of recyclable material that contained more than incidental amounts of non-recyclable waste, in violation of 30 TEX. ADMIN. CODE § 328.4(d), as documented during an investigation conducted on July 9, 2015.
7. Failed to provide notification within 90 days prior to any change in Site operations, in violation of 30 TEX. ADMIN. CODE §§ 328.5(b) and 332.23(5), as documented during an investigation conducted on July 9, 2015. Specifically, the Respondents were collecting and processing brush and tree material as well as baked goods at the Site.
8. Failed to maintain recycling records and make them available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 328.5(f)(1), (f)(2), and (g), as documented during an investigation conducted on July 9, 2015.
9. Failed to perform cleanup actions upon detection of a release of used oil, in violation of 30 TEX. ADMIN. CODE § 324.15 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d), as documented during an investigation conducted on July 9, 2015. Specifically, used oil was spilled onto the soil near two containers of used oil at the Site.
10. Failed to mark or clearly label used oil storage containers with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1), as documented during an investigation conducted on July 9, 2015. Specifically, two containers being used to store used oil at the Site were not labeled with the words "Used Oil".

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Green Ground LLC and Chris Panagopoulos, Docket No. 2015-1587-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Cease any additional discharge of used oil at the Site and begin proper remediation and removal of contaminated soil;
 - ii. Cease any additional unauthorized processing of loads of recyclable material containing more than incidental amounts of non-recyclable waste, in accordance with 30 TEX. ADMIN. CODE § 328.4(d); and
 - iii. Begin maintaining all recycling records, in accordance with 30 TEX. ADMIN. CODE § 328.5.
 - b. Within 30 days after the effective days of this Agreed Order:
 - i. Develop and implement procedures designed to ensure all in-plant roads and vehicle work areas at the Site and watered, treated with dust-suppressant chemicals, or paved, in accordance with 30 TEX. ADMIN. CODE § 332.8(c)(2);

- ii. Install fog nozzles or a mechanical dust suppression system on the outdoor grinder and/or grinder conveyors, in accordance with 30 TEX. ADMIN. CODE § 332.8(c)(4) and (c)(5);
- iii. Submit documentation to demonstrate acceptable financial assurance for closure of the Site, in accordance with 30 TEX. ADMIN. CODE §§ 37.921 and 328.5(d) to:

Financial Assurance Team, MC 184
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iv. Provide a written cost estimate for closure of the Site, in accordance with 30 TEX. ADMIN. CODE § 328.5(c)(1);
 - v. Provide notification which includes an accurate description of recycling activities, in accordance with 30 TEX. ADMIN. CODE §§ 328.5(b) and 332.23(5);
 - vi. Obtain a permit or registration for processing loads of recyclable material that contain more than incidental amounts of non-recyclable waste, in accordance with 30 TEX. ADMIN. CODE § 328.4(d); and
 - vii. Submit a report which includes a summary of remediation activities that took place, confirming that all contaminated soil at the Site has been properly remediated. Remediation activities will address all areas where soil has been contaminated with used oil at the Site. The report shall include analytical results of soil confirmation sampling which characterizes the effectiveness of contaminated soil removal in all contaminated areas and documentation that contaminated soil has been disposed of at an authorized facility.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

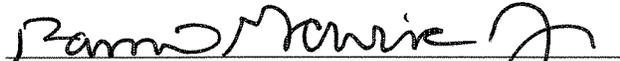
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

9/6/16

Date

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

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

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

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



Signature

3-28-16

Date

Daniel Gardner

Name (Printed or typed)
Authorized Representative of
Green Ground LLC

CO-owner

Title



Signature

3-28-16

Date

Chris PANAGOPoulos

Name (Printed or typed)
Authorized Representative of
Chris Panagopoulos

Title

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