

Cliff J. Chambers

RN103749859

Docket No. 2020-0573-MLM-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Respondent has demonstrated a pattern of disregard for environmental laws.

**Media:**

MLM:WQ

**Small Business:**

Yes

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

2764 Rea Road, Kountze, Hardin County ("the Site")

**Type of Operation:**

unregistered sludge transport business

**Other Significant Matters:**

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third Parties: None

**Texas Register Publication Date:** December 17, 2021**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$7,350**Total Paid to General Revenue:** \$210**Total Due to General Revenue:** \$7,140

Payment Plan: 35 payments of \$204 each

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** April 2014

Cliff J. Chambers  
RN103749859  
Docket No. 2020-0573-MLM-E

**Investigation Information**

**Complaint Date(s):** January 9, 2020  
*Complaint Information:* Complainant observed sludge transporter pumping out his On-Site Sewage Facility. Truck appeared to be smaller than most pumper trucks and had a white tank.

October 24, 2019  
Complainant was having problems with sewage backups and suspected it had to do with pretreatment tank being too close to the lid.

**Date(s) of Investigation:** January 30, 2020  
N/A

**Date(s) of NOV(s):** March 30, 2020

**Date(s) of NOE(s):**

**Violation Information**

1. Failed to apply for and receive a registration from the Executive Director prior to commencing operations to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste [30 TEX. ADMIN. CODE 312.142(a)].
2. Discharged sewage sludge into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately cease the unauthorized transportation of sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste, until authorization is obtained.
2. Within 15 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 30 days:
  - a. Remove, clean, and disinfect the discharged sewage sludge from the Site; and
  - b. Submit an administratively complete Sludge Transporter Registration Form No. 0481, and proof of payment with the associated fee to TCEQ. Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing.
4. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 3.a. and 3.b.

**Cliff J. Chambers**  
RN103749859  
Docket No. 2020-0573-MLM-E

**Litigation Information**

**Date Petition(s) Filed:** July 27, 2021  
**Date Green Card(s) Signed:** July 30, 2021  
**Settlement Date:** November 1, 2021

**Contact Information**

**TCEQ Attorneys:** Cynthia Sirois, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Katelyn Tubbs, Enforcement, (512) 239-2512  
**TCEQ Regional Contact:** Ronnie Hebert, Beaumont Regional Office, (409) 898-3838  
**Respondent Contact:** Cliff J. Chambers, 2764 Rea Road, Kountze, Texas 77625

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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>	6-Apr-2020		
	<b>PCW</b>	2-Nov-2020	<b>Screening</b>	17-Apr-2020
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Cliff J. Chambers		
<b>Reg. Ent. Ref. No.</b>	RN103749859		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59241	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0573-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Katelyn Tubbs
		<b>EC's Team</b>	Enforcement Team 3
<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>	\$5,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	22.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,100
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Notes: Enhancement for an Order that contains a denial of liability and one NOV with dissimilar violations.

<b>Culpability</b>	Yes	25.0% Enhancement	<b>Subtotal 4</b>	\$1,250
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Notes: The Respondent holds TCEQ licenses as an On-Site Sewage Facility (OSSF) Installer and an OSSF Maintenance Provider. As such, he could have reasonably anticipated and avoided each alleged violation

<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: \$293  
 Estimated Cost of Compliance: #NAME?  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,350
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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: [Empty box]

<b>Final Penalty Amount</b>	\$7,350
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,350
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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.

Notes: No deferral due to culpability.

<b>PAYABLE PENALTY</b>	\$7,350
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**Screening Date** 17-Apr-2020

2020-0573-MLM-E

**Respondent** Cliff J. Chambers

**Case ID No.** 59241

**Reg. Ent. Reference No.** RN103749859

**Media** Water Quality

**Enf. Coordinator** Katelyn Tubbs

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
	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%
	Other written NOVs		2%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )		20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	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%
	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%
	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )		0%
	Chronic excessive emissions events ( <i>number of events</i> )		0%
	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%
	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%
	Environmental management systems in place for one year or more		0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%
	Participation in a voluntary pollution reduction program		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%

**Adjustment Percentage (Subtotal 2)** 22%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

**Adjustment Percentage (Subtotal 7)** 0%

**Compliance History Notes**

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

**Final Adjustment Percentage \*capped at 100%** 22%

**Screening Date** 17-Apr-2020  
**Respondent** Cliff J. Chambers  
**Case ID No.** 59241  
**Reg. Ent. Reference No.** RN103749859  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**Docket No.** 2020-0573-MLM-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 312.142(a)

**Violation Description**

Failed to apply for and receive a registration from the Executive Director prior to commencing operations to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste.

**Base Penalty**

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

**OR**

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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**

Three monthly events are recommended from the date of investigation (January 30, 2020) to the screening date (April 17, 2020).

**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 checked="" type="text" value="x"/>	<input type="text"/>

**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

Cliff J. Chambers  
 59241  
 RN103749859  
 Water Quality  
 1

	5.0	15
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Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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**Item Description**

**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	\$10	30-Jan-2020	1-Apr-2021	1.17	\$1	n/a
Other (as needed)			0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated Permit cost to apply for and obtain a sludge transporter registration.(\$10 per truck). The Date Required is the date of investigation and the Final Date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE 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			0.00	\$0	\$0	\$0
ONE-TIME avoided costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10

**TOTAL**

\$1



**Screening Date** 17-Apr-2020  
**Respondent** Cliff J. Chambers  
**Case ID No.** 59241  
**Reg. Ent. Reference No.** RN103749859  
**Media** Water Quality  
**Enf. Coordinator** Katelyn Tubbs

**Docket No.** 2020-0573-MLM-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)**

Tex. Water Code § 26.121(a)(1)

**Violation Description**

Failed to prevent an unauthorized discharge of sewage into or adjacent to any water in the state. Specifically, the Site contained a discharge of sewage sludge, two-inches thick in an area approximately 20 by 20 feet wide. Additionally, the southern end of the Site contained ponding sewage sludge that had a septic smell. Vacuum hoses were lying on the ground with sewage residue at the ends of the hoses.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1 78 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the date of investigation (January 30, 2020) to the screening date (April 17, 2020).

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does 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** \$292

**Violation Final Penalty Total** \$1,838

**This violation Final Assessed Penalty (adjusted for limits)** \$1,838

# Economic Benefit Worksheet

Cliff J. Chambers  
 59241  
 RN103749859  
 Water Quality  
 2

	5.0	15
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**Item Cost    Date Required    Final Date    Yrs    Interest Saved    Costs Saved    EB Amount**

**Item Description**

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0	\$0
Record Keeping System			0.00	\$0	n/a	\$0	\$0
Training/Sampling			0.00	\$0	n/a	\$0	\$0
Remediation/Disposal	\$5,000	30-Jan-2020	1-Apr-2021	1.17	\$292	n/a	\$292
Permit Costs			0.00	\$0	n/a	\$0	\$0
Other (as needed)			0.00	\$0	n/a	\$0	\$0

**Notes for DELAYED costs**  
 Estimated Remediation/Disposal cost to remove, clean, and disinfect the discharged sewage sludge from the affected area. Date Required is the date of investigation. Final date is the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**    \$5,000

**TOTAL**    \$292

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

Compliance History Report for CN602265258, RN103749859, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN602265258, CHAMBERS, CLIFF J      **Classification:** UNCLASSIFIED      **Rating:** -----

**Regulated Entity:** RN103749859, CHAMBERS, CLIFF J      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 2764 Rea Road in Kountze, Hardin County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**ON SITE SEWAGE FACILITY LICENSING LICENSE** OS0021341      **ON SITE SEWAGE FACILITY LICENSING LICENSE** MP0001038

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** October 20, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 20, 2015 to October 20, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Katelyn Tubbs      **Phone:** (512) 239-2512

## **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

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

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

- 1      Effective Date: 01/30/2018      ADMINORDER 2017-0339-OSS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 285, SubChapter F 285.61(4)  
5B THSC Chapter 366, SubChapter A 366.051(c)  
Description: Failure to ensure that an authorization to construct has been issued prior to beginning construction on an On-site Sewage Facility (OSSF).

### **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.

- 1      Date: 11/13/2019 (1606179)  
Self Report? NO      Classification: Moderate  
Citation: 30 TAC Chapter 285, SubChapter A 285.7(e)(2)(D)

Description: Failure by Mr. Cliff Chambers to punch out the dates on his maintenance cards to indicate that the quarterly maintenance has been completed.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 285, SubChapter A 285.7(e)(1)(B)  
 Description: Failure by Mr. Cliff Chamber to submit maintenance reports to the permitting authority and the owner within 14 days after the date the test is performed.

**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

**Component Appendices**

**Appendix A**

**All NOV's Issued During Component Period 10/20/2015 and 10/20/2020**

- |    |   |                                 |
|----|---|---------------------------------|
| 1  | Date: 02/26/2016 (1313848)  | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 285, SubChapter D 285.32(a)(3)   |                                 |
|    | Description: Failure by Cliff Chambers to install the sewer pipe with no less than 1/8 inch fall per foot of pipe.  | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 285, SubChapter D 285.33(d)(2)(E)  |                                 |
|    | Description: Failure by Cliff Chambers to meet the minimum application area required.   |                                 |
| 2  | Date: 01/26/2017 (1387891)  | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 111, SubChapter B 111.201  |                                 |
|    | Description: Failure to prevent unauthorized outdoor burning.   |                                 |
| 3  | Date: 10/12/2018 (1523498)  | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 285, SubChapter D 285.32(a)(5)   |                                 |
|    | Description: Failure by Cliff Chambers to install a two-way cleanout plug.  |                                 |
| 4* | Date: 11/13/2019 (1606179)  | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 285, SubChapter A 285.7(e)(2)(D)   |                                 |
|    | Description: Failure by Mr. Cliff Chambers to punch out the dates on his maintenance cards to indicate that the quarterly maintenance has been completed. | Classification: Moderate        |
|    | Self Report? NO   | For Informational Purposes Only |
|    | Citation: 30 TAC Chapter 285, SubChapter A 285.7(e)(1)(B)   |                                 |

Description: Failure by Mr. Cliff Chamber to submit maintenance reports to the permitting authority and the owner within 14 days after the date the test is performed.

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

## Appendix B

### All Investigations Conducted During Component Period October 20, 2015 and October 20, 2020

Item 1	February 26, 2016**	(1313848) For Informational Purposes Only
Item 2	January 02, 2017**	(1377185) For Informational Purposes Only
Item 3	April 11, 2017**	(1400381) For Informational Purposes Only
Item 4	July 28, 2017**	(1429004) For Informational Purposes Only
Item 5	October 12, 2018**	(1523498) For Informational Purposes Only
Item 6	October 26, 2018**	(1524132) For Informational Purposes Only
Item 7	January 03, 2020**	(1618070) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
CLIFF J. CHAMBERS;  
RN103749859

§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2020-0573-MLM-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cliff J. Chambers ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 owns and operates an unregistered sludge transport business located at 2764 Rea Road in Kountze, Hardin County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). The Business involves the management and/or disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. Respondent transports sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, and/or grease trap waste and is required to be registered with the TCEQ. Therefore, Respondent is subject to TCEQ jurisdiction pursuant to 30 TEX. ADMIN. CODE ch. 312, Subchapter G.
2. During an investigation conducted on January 30, 2020, an investigator documented that Respondent:
  - a. Failed to apply for and receive a registration from the Executive Director prior to commencing operations to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste. Specifically, Respondent pumped and transported domestic septage and septic sewage without a registration.
  - b. Discharged sewage into or adjacent to any water in the state. Specifically, the Site contained a discharge of sewage sludge, two-inches thick in an area approximately 20 by 20 feet wide. Additionally, the southern end of the Site contained ponding sewage sludge that had a septic smell. Vacuum hoses were lying on the ground with sewage residue at the ends of the hoses.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to apply for and receive a registration from the Executive Director prior to commencing operations to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste, in violation of 30 TEX. ADMIN. CODE § 312.142(a).
3. As evidenced by Finding of Fact No. 2.b., Respondent discharged sewage into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
4. 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.
5. An administrative penalty in the amount of seven thousand three hundred fifty dollars (\$7,350.00) 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 two hundred ten dollars (\$210.00) of the penalty. The remaining amount of seven thousand one hundred forty dollars (\$7,140.00) shall be paid in thirty five (35) monthly payments of two hundred four dollars (\$204.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. 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 and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all 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. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements 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 requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Cliff J. Chambers, Docket No. 2020-0573-MLM-E" to:

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

2. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, cease the unauthorized transportation of sewage sludge, water treatment sludge, domestic septage,

chemical toilet waste, grit trap waste, or grease trap waste, until authorization is obtained, in accordance with 30 TEX. ADMIN. CODE § 312.142.

- b. Within 15 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.e., to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 30 days of the effective date of this Order:
  - i. Remove, clean, and disinfect the discharged sewage sludge from the Site.
  - ii. Submit an administratively complete Sludge Transporter Registration Form No. 0481, with proof of payment of the associated fee, in accordance with 30 TEX. ADMIN. CODE § 312.142, 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
- d. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.e., to demonstrate compliance with Corrective Action Ordering Provisions Nos. 2.c.i. and 2.c.ii.
- e. The certifications 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 fines and imprisonment for knowing violations."

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Corrective Action Ordering Provisions to:

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



and:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

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.
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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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.
7. 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.
8. 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.
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. 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. 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

Erin E. Chanallop

01/26/22

\_\_\_\_\_  
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.

Cliff Chambers  
Signature - Cliff J. Chambers,  
Cliff J. Chambers  
2764 Rea Road  
Kountze, Texas 77625

11-1-2021  
Date

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