

Executive Summary – Enforcement Matter – Case No. 61357
Casco Hauling & Excavating Co.
RN103053062
Docket No. 2021-1309-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Casco Hauling and Excavation Landfill, 1306 East Anderson Road, Houston, Harris County

Type of Operation:

Type VI Landfill

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 25, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$38,543

Amount Deferred for Expedited Settlement: \$7,708

Total Paid to General Revenue: \$15,418

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$15,417

Name of SEP: Texas Water Development Board (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 25, 2021 through August 6, 2021

Date(s) of NOE(s): August 31, 2021

Executive Summary – Enforcement Matter – Case No. 61357
Casco Hauling & Excavating Co.
RN103053062
Docket No. 2021-1309-MSW-E

Violation Information

1. Failed to update the Site Operating Plan (“SOP”) to reflect the current description of functions and minimum qualifications for each category of key personnel to be employed at the facility and for supervisory personnel in the chain of command [30 TEX. ADMIN. CODE § 330.127(1) and MSW Permit No. 1403 and SOP, Section VII Site Management].

2. Failed to submit an application to modify the facility’s permit to comply with the 2004 rule amendment revisions and complete a no-notice permit modification to comply with the 2006 rule amendment revisions (“2004 and 2006 Revisions”). Specifically, the Respondent did not submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and did not complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP [30 TEX. ADMIN. CODE §§ 330.121(b) and (c) and 305.70(k)].

3. Failed to maintain personnel training records. Specifically, no personnel training records were available at the time of the investigation [30 TEX. ADMIN. CODE § 330.125(e) and MSW Permit No. 1403 and SOP, Section VI Other Considerations, Safety].

4. Failed to employ at least one licensed individual who supervises or manages the operations of a MSW facility. Specifically, the Respondent had a Class A Operator at the Facility, but that individual's license expired on August 31, 2016 [30 TEX. ADMIN. CODE § 330.125(f)].

5. Failed to record and retain records required in the operating record. Specifically, financial assurance documentation relating to financial assurance for closure and post-closure care costs was not available for review at the time of the investigation [30 TEX. ADMIN. CODE § 330.125(b)].

6. Failed to obtain prior written approval from the TCEQ before storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 1,000 tires were being stored on the ground [30 TEX. ADMIN. CODE § 328.54(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Executive Summary – Enforcement Matter – Case No. 61357
Casco Hauling & Excavating Co.
RN103053062
Docket No. 2021-1309-MSW-E

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Update the SOP to reflect the current list of key personnel and description of their functions;

ii. Begin maintaining personnel training records;

iii. Ensure that one individual obtains a Class A Operator License to supervise or manage the operations of the Facility; and

iv. Begin maintaining financial assurance documentation relating to financial assurance for closure and post-closure care costs in the operating record.

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

c. Within 180 days:

i. Submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP;

ii. Unless the number of scrap tires being stored at the Facility is reduced in accordance with c.iii below, obtain prior written approval to store more than 500 used tires on the ground;

iii. In lieu of c.ii., reduce the number of scrap tires being stored at the Facility to less than 500 on the ground or less than 2,000 in enclosed and lockable containers. In addition to documenting the number of tires remaining at the Facility, the Respondent shall comply with the manifesting requirements in 30 TEX. ADMIN. CODE § 328.58, the record keeping requirements in 30 TEX. ADMIN. CODE § 328.57, or the retail requirements in 30 TEX. ADMIN. CODE § 328.56(d)(3), as applicable, to document how the excess tires at the Facility were reduced.

d. Within 240 days, obtain approval from the TCEQ for the permit modifications submitted pursuant to c.i above and incorporate the 2004 and 2006 Revisions into the SOP.

e. Within 255 days, submit written certification to demonstrate compliance with d. and either c.ii. or c.iii.

Executive Summary – Enforcement Matter – Case No. 61357
Casco Hauling & Excavating Co.
RN103053062
Docket No. 2021-1309-MSW-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Horus Garcia, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-1813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231

Respondent: Richard A. Martini, President, Casco Hauling & Excavating Co., 1306 East Anderson Road, Houston, Texas 77047

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	7-Sep-2021	Screening	16-Sep-2021	EPA Due	
	PCW	29-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Casco Hauling & Excavating Co.
Reg. Ent. Ref. No.	RN103053062
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61357	No. of Violations	6
Docket No.	2021-1309-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Hailey Johnson
		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	\$41,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$4,175
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,481	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$12,132	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$37,575
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.6%	Adjustment	\$968
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 4.
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Final Penalty Amount	\$38,543
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$38,543
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,708
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$30,835
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Screening Date 16-Sep-2021

Docket No. 2021-1309-MSW-E

PCW

Respondent Casco Hauling & Excavating Co.

Policy Revision 4 (April 2014)

Case ID No. 61357

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103053062

Media Municipal Solid Waste

Enf. Coordinator Hailey Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 16-Sep-2021 **Docket No.** 2021-1309-MSW-E **PCW**
Respondent Casco Hauling & Excavating Co. *Policy Revision 4 (April 2014)*
Case ID No. 61357 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 330.127(1) and Municipal Solid Waste ("MSW") Permit No. 1403 and Site Operating Plan ("SOP"), Section VII Site Management
Violation Description Failed to update the SOP to reflect the current description of functions and minimum qualifications for each category of key personnel to be employed at the facility and for supervisory personnel in the chain of command.
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	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750
 \$250

Violation Events

Number of Violation Events 1 41 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$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	

Notes The Respondent does not meet the good faith criteria for this violation.
Violation Subtotal \$250

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$5 **Violation Final Penalty Total** \$231
This violation Final Assessed Penalty (adjusted for limits) \$231

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
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	Costs Saved	EB Amount
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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)	\$100	6-Aug-2021	4-Jul-2022	0.91	\$5	n/a	\$5

Notes for DELAYED costs
 Estimated delayed cost to update the SOP to reflect the current list of key personnel and description of their functions at the Facility. The Date Required is the investigation end date 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 \$100

TOTAL \$5

Screening Date 16-Sep-2021
Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Docket No. 2021-1309-MSW-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(b) and (c) and 305.70(k)

Violation Description

Failed to submit an application to modify the facility's permit to comply with the 2004 rule amendment revisions and complete a no-notice permit modification to comply with the 2006 rule amendment revisions ("2004 and 2006 Revisions"). Specifically, the Respondent did not submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and did not complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 41 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the August 6, 2021 investigation end date to the September 16, 2021 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	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$6,924

This violation Final Assessed Penalty (adjusted for limits) \$6,924

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
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	Costs Saved	EB Amount
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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	\$150	6-Aug-2021	4-Jul-2022	0.91	\$7	n/a	\$7
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated delayed cost to submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP. The Date Required is the investigation end date 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 \$150

TOTAL \$7

Screening Date 16-Sep-2021
Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Docket No. 2021-1309-MSW-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 330.125(e) and MSW Permit No. 1403 and SOP, Section VI Other Considerations, Safety

Violation Description Failed to maintain personnel training records at the Facility. Specifically, no personnel training records were available at the time of the investigation.

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			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 41 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

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	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$3,462

This violation Final Assessed Penalty (adjusted for limits) \$3,462

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	6-Aug-2021	4-Jul-2022	0.91	\$23	n/a	\$23
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 delayed cost to begin maintaining personnel training records at the Facility. The Date Required is the investigation end date 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 \$500

TOTAL \$23

Screening Date 16-Sep-2021
Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Docket No. 2021-1309-MSW-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 330.125(f)

Violation Description Failed to employ at least one licensed individual who supervises or manages the operations of a MSW facility. Specifically, the Respondent had a Class A Operator at the Facility, but that individual's license expired on August 31, 2016.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6 1842 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$22,500

Six annual events are recommended from the August 31, 2016 expiration date of the employee's Class A Operator License to the September 16, 2021 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	

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$986

Violation Final Penalty Total \$20,772

This violation Final Assessed Penalty (adjusted for limits) \$20,772

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$406	6-Aug-2021	4-Jul-2022	0.91	\$18	n/a	\$18
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 delayed cost to ensure that one individual obtains a Class A Operator License to supervise or manage the operations of the Facility. The Date Required is the investigation end date 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	\$876	31-Aug-2019	16-Sep-2021	2.05	\$92	\$876	\$968
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs Estimated avoided cost to ensure that one individual obtains a Class A Operator License to supervise or manage the operations of the Facility, which includes accrued cost and interest for each missed renewal period. The Date Required is the due date of the last period when the Class A license should have been renewed and the Final Date is the screening date.

Approx. Cost of Compliance \$1,282

TOTAL \$986

Screening Date 16-Sep-2021
Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Docket No. 2021-1309-MSW-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 330.125(b)

Violation Description Failed to record and retain records required in the operating record. Specifically, financial assurance documentation relating to financial assurance for closure and post-closure care costs was not available for review at the time of the investigation.

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	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 41 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$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	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$231

This violation Final Assessed Penalty (adjusted for limits) \$231

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$100	6-Aug-2021	4-Jul-2022	0.91	\$5	n/a	\$5

Notes for DELAYED costs

Estimated delayed cost to maintain financial assurance documentation relating to financial assurance for closure and post-closure care costs in the operating record. The Date Required is the investigation end date 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 \$100

TOTAL \$5

Screening Date 16-Sep-2021
Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
Media Municipal Solid Waste
Enf. Coordinator Hailey Johnson

Docket No. 2021-1309-MSW-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 328.54(c)

Violation Description Failed to obtain prior written approval from the TCEQ before storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 1,000 tires were being stored on the ground at the Facility.

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			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 41 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the August 6, 2021 investigation end date to the September 16, 2021 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	

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$455

Violation Final Penalty Total \$6,924

This violation Final Assessed Penalty (adjusted for limits) \$6,924

Economic Benefit Worksheet

Respondent Casco Hauling & Excavating Co.
Case ID No. 61357
Reg. Ent. Reference No. RN103053062
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	Costs Saved	EB Amount
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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	\$10,000	6-Aug-2021	4-Jul-2022	0.91	\$455	n/a	\$455
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain prior written approval to store more than 500 used tires on the ground. The Date Required is the investigation end date 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

\$10,000

TOTAL

\$455

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 CN600336101, RN103053062, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600336101, Casco Hauling & Excavating Co.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN103053062, Casco Hauling and Excavation Landfill	Classification: HIGH	Rating: 0.00
Complexity Points:	9	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	1306 East Anderson Road, Houston, Harris County, Texas 77047-5226		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):			
MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1403	STORMWATER PERMIT TXR05EM41		
Compliance History Period: September 01, 2016 to August 31, 2021	Rating Year: 2021	Rating Date: 09/01/2021	
Date Compliance History Report Prepared: September 16, 2021			
Agency Decision Requiring Compliance History: Enforcement			
Component Period Selected: September 16, 2016 to September 16, 2021			
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: Hailey Johnson	Phone: (512) 239-1756		

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:

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
CASCO HAULING & EXCAVATING CO.
RN103053062

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2021-1309-MSW-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 Casco Hauling & Excavating Co. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a Type VI landfill located at 1306 East Anderson Road in Houston, Harris County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$38,543 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$15,418 of the penalty and \$7,708 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$15,417 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted at the Facility from January 25, 2021 through August 6, 2021, an investigator documented that the Respondent:

1. Failed to update the Site Operating Plan ("SOP") to reflect the current description of functions and minimum qualifications for each category of key personnel to be employed at the facility and for supervisory personnel in the chain of command, in violation of 30 TEX. ADMIN. CODE § 330.127(1) and MSW Permit No. 1403 and SOP, Section VII Site Management.
2. Failed to submit an application to modify the facility's permit to comply with the 2004 rule amendment revisions and complete a no-notice permit modification to comply with the 2006 rule amendment revisions ("2004 and 2006 Revisions"), in violation of 30 TEX. ADMIN. CODE §§ 330.121(b) and (c) and 305.70(k). Specifically, the Respondent did not submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and did not complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP.
3. Failed to maintain personnel training records at the Facility, in violation of 30 TEX. ADMIN. CODE § 330.125(e) and MSW Permit No. 1403 and SOP, Section VI Other Considerations, Safety. Specifically, no personnel training records were available at the time of the investigation.
4. Failed to employ at least one licensed individual who supervises or manages the operations of a MSW facility, in violation of 30 TEX. ADMIN. CODE § 330.125(f). Specifically, the Respondent had a Class A Operator at the Facility, but that individual's license expired on August 31, 2016.

5. Failed to record and retain records required in the operating record, in violation of 30 TEX. ADMIN. CODE § 330.125(b). Specifically, financial assurance documentation relating to financial assurance for closure and post-closure care costs was not available for review at the time of the investigation.
6. Failed to obtain prior written approval from the TCEQ before storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers, in violation of 30 TEX. ADMIN. CODE § 328.54(c). Specifically, approximately 1,000 tires were being stored on the ground at the Facility.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Casco Hauling & Excavating Co., Docket No. 2021-1309-MSW-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 Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$15,417 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Update the SOP to reflect the current list of key personnel and description of their functions at the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.127 and MSW Permit No. 1403 and SOP Section VII Site Management;
 - ii. Begin maintaining personnel training records at the Facility, in accordance with of 30 TEX. ADMIN. CODE § 330.125(e) and MSW Permit No. 1403 and SOP Section VI Other Considerations, Safety;

- iii. Ensure that one individual obtains a Class A Operator License to supervise or manage the operations of the Facility, in accordance with 30 TEX. ADMIN. CODE § 330.125(f); and
 - iv. Begin maintaining financial assurance documentation relating to financial assurance for closure and post-closure care costs in the operating record, in accordance with § 330.125(b).
- b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 180 days after the effective date of this Order:
- i. Submit a request for a permit modification to incorporate the 2004 Revisions into the SOP and complete a no-notice permit modification to incorporate the 2006 Revisions into the SOP, in accordance with 30 TEX. ADMIN. CODE §§ 330.121(b) and (c) and 305.70(k). The modifications shall be submitted to:

Municipal Solid Waste Permits Section, MC 124
Waste Permits Division
Texas Commission on Environmental Quality
P.O Box 13087
Austin, Texas 78711-3087
 - ii. Unless the number of scrap tires being stored at the Facility is reduced in accordance with Ordering Provision No. 3.c.iii below, obtain prior written approval to store more than 500 used tires on the ground, in accordance with 30 TEX. ADMIN. CODE § 328.54(c);
 - iii. In lieu of Ordering Provision No. 3.c.ii, reduce the number of scrap tires being stored at the Facility to less than 500 on the ground or less than 2,000 in enclosed and lockable containers, in accordance with 30 TEX. ADMIN. CODE § 328.54. In addition to documenting the number of tires remaining at the Facility, the Respondent shall comply with the manifesting requirements in 30 TEX. ADMIN. CODE § 328.58, the record keeping requirements in 30 TEX. ADMIN. CODE § 328.57, or the retail requirements in 30 TEX. ADMIN. CODE § 328.56(d)(3), as applicable, to document how the excess tires at the Facility were reduced.

The Respondent shall respond completely and adequately, as determined by the TCEQ, within 10 days or by any other deadline specified in writing, to all requests for information concerning the submittals described in Ordering Provision Nos. 3.c.i and 3.c.ii.
- d. Within 240 days after the effective date of this Order, obtain approval from the TCEQ for the permit modifications submitted pursuant to Ordering Provision No. 3.c.i above and incorporate the 2004 and 2006 Revisions into the SOP.

- e. Within 255 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.d and either 3.c.ii or 3.c.iii. The certification shall be signed by the 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."

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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. 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

10/16/2023

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, 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 OAG 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 OAG 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

10-3-23

Date



Name (Printed or typed)
Authorized Representative of
Casco Hauling & Excavating Co.

President

Title

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

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

Attachment A
Docket Number: 2021-1309-MSW-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Casco Hauling & Excavating Co.
Payable Penalty Amount:	\$30,835
SEP Offset Amount:	\$15,417
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Total Project Budget:	\$997,500
Location of SEP:	Statewide; preference for Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project (the “Project”). The Project is to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

B. Environmental Benefit

The groundwater stored within Texas' minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners. The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Finance
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

Casco Hauling & Excavating Co.
Docket No. 2021-1309-MSW-E
Agreed Order - Attachment A

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.