

**Executive Summary – Enforcement Matter – Case No. 62239
Gulf West Landfill TX, LP
RN102151099
Docket No. 2022-0462-IWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Gulf West Landfill Texas, 2601 Jenkins Road, Anahuac, Chambers County

Type of Operation:

Non-hazardous industrial waste stabilization and landfill disposal site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 10, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,501

Amount Deferred for Expedited Settlement: \$1,900

Total Paid to General Revenue: \$7,601

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 28, 2022

Date(s) of NOE(s): April 5, 2022

**Executive Summary – Enforcement Matter – Case No. 62239
Gulf West Landfill TX, LP
RN102151099
Docket No. 2022-0462-IWD-E**

Violation Information

Failed to comply with permitted effluent limitations. Specifically, the total aluminum daily maximum concentration limit of 1.766 milligrams per liter ("mg/l") was exceeded during the monthly monitoring periods ending May 31, 2021 (4.14 mg/l), July 31, 2021 (1.91 mg/l), August 31, 2021 (7.62 mg/l), and the pH maximum limit of 9.0 standard units was exceeded during the monthly monitoring period ending September 30, 2021 (10.25 standard units) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003064000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented corrective measures at the Site by determining the cause of noncompliance and making any necessary repairs/adjustments to the Site to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0003064000 by October 1, 2021.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cecilio Banuelos, Enforcement Division, Enforcement Team 1, MC R-15, (959) 389-7421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Brian A. Goebel, Director, Gulf West Landfill TX, LP, 18500 North Allied Way, Phoenix, Arizona 85054

Yasser Brenes, Area President, Gulf West Landfill TX, LP, 18500 North Allied Way, Phoenix, Arizona 85054

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022			
	PCW	25-Apr-2022	Screening	18-Apr-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Gulf West Landfill TX, LP
Reg. Ent. Ref. No.	RN102151099
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62239	No. of Violations	2
Docket No.	2022-0462-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Adjustment	Subtotals 2, 3, & 7	\$2,000
---------------------------	------------------	--------------------------------	---------

Notes	Enhancement for four months of self-reported effluent violations.
--------------	---

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,499
--	-------------------	----------

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

Total EB Amounts	\$84	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,501
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
--------------	--

Final Penalty Amount	\$9,501
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,501
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$1,900
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$7,601
------------------------	---------

Screening Date 18-Apr-2022

Docket No. 2022-0462-IWD-E

PCW

Respondent Gulf West Landfill TX, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 62239

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102151099

Media Water Quality

Enf. Coordinator Alejandro Laje

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>)	4	20%
	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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 18-Apr-2022 **Docket No.** 2022-0462-IWD-E **PCW**
Respondent Gulf West Landfill TX, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 62239 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102151099
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003064000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limitations. Specifically, the total aluminum daily maximum concentration limit of 1.766 milligrams per liter ("mg/l") was exceeded during the monthly monitoring periods ending July 31, 2021 (1.91 mg/l) and August 31, 2021 (7.62 mg/l), and the pH maximum limit of 9.0 standard units ("SU") was exceeded during the monthly monitoring period ending September 30, 2021 (10.25 SU).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes A simplified model was used to evaluate total aluminum to determine whether the discharged amounts of pollutants exceeded protective levels. pH was also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do 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 1 92 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the monitoring periods ending July 31, 2021, August 31, 2021, and September 30, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance by October 1, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$84 **Violation Final Penalty Total** \$3,563
This violation Final Assessed Penalty (adjusted for limits) \$3,563

Economic Benefit Worksheet

Respondent Gulf West Landfill TX, LP
Case ID No. 62239
Reg. Ent. Reference No. RN102151099
Media Violation No. Water Quality
 1

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$5,000	31-May-2021	1-Oct-2021	0.34	\$84	n/a	\$84

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Site to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0003064000. Date Required is the end date of the first month of noncompliance, and the Final Date is the 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

\$5,000

TOTAL

\$84

Screening Date 18-Apr-2022 **Docket No.** 2022-0462-IWD-E **PCW**
Respondent Gulf West Landfill TX, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 62239 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102151099
Media Water Quality
Enf. Coordinator Alejandro Laje

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0003064000, Effluent Limitations and Monitoring Requirements No. 1
Violation Description Failed to comply with permitted effluent limitations. Specifically, the total aluminum daily maximum concentration limit of 1.766 mg/l was exceeded during the monthly monitoring period ending May 31, 2021 (4.14 mg/l).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Moderate	Minor	Percent 25.0%
	Actual		X		
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes
 A simplified model was used to evaluate total aluminum to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,250

One monthly event is recommended for the monthly monitoring period ending May 1, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$1,562

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes
 The Respondent achieved compliance by October 1, 2021.

Violation Subtotal \$4,688

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$5,938

This violation Final Assessed Penalty (adjusted for limits) \$5,938

Economic Benefit Worksheet

Respondent Gulf West Landfill TX, LP
Case ID No. 62239
Reg. Ent. Reference No. RN102151099
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs
 Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Site to achieve compliance with the permitted effluent limitations of TPDES Permit No. WQ0003064000 is captured in the Economic Benefit Worksheet for Violation No. 1.

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

TOTAL

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 CN601690480, RN102151099, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN601690480, Gulf West Landfill TX, LP **Classification:** SATISFACTORY **Rating:** 0.32

Regulated Entity: RN102151099, GULF WEST LANDFILL TEXAS **Classification:** SATISFACTORY **Rating:** 0.32

Complexity Points: 18 **Repeat Violator:** NO

CH Group: 11 - Waste Management (Excluding Landfills)

Location: 2601 Jenkins Road, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

MUNICIPAL SOLID WASTE DISPOSAL PERMIT 39039

STORMWATER PERMIT WQ0003064000

STORMWATER PERMIT TXR05EL96

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD980864078

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 39039

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 63703

STORMWATER EPA ID TX0104621

POLLUTION PREVENTION PLANNING ID NUMBER
P07341

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 39039

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 18, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 18, 2017 to April 18, 2022

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

Name: Alejandro Laje

Phone: (512) 239-2547

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.):

Item 1	June 16, 2017	(1426788)
Item 2	August 02, 2017	(1402690)
Item 3	September 29, 2017	(1445025)
Item 4	October 20, 2017	(1457483)
Item 5	December 04, 2017	(1462922)
Item 6	January 08, 2018	(1469354)
Item 7	February 26, 2018	(1476048)
Item 8	April 30, 2018	(1495183)
Item 9	May 07, 2018	(1495182)
Item 10	June 05, 2018	(1502103)

Item 11	July 09, 2018	(1509227)
Item 12	July 30, 2018	(1515532)
Item 13	August 16, 2018	(1521582)
Item 14	September 24, 2018	(1528772)
Item 15	October 22, 2018	(1523613)
Item 16	November 28, 2018	(1542949)
Item 17	December 21, 2018	(1546689)
Item 18	January 22, 2019	(1564180)
Item 19	February 15, 2019	(1564178)
Item 20	March 14, 2019	(1564179)
Item 21	April 16, 2019	(1573321)
Item 22	May 16, 2019	(1586249)
Item 23	June 20, 2019	(1586250)
Item 24	July 18, 2019	(1594668)
Item 25	August 02, 2019	(1557744)
Item 26	August 15, 2019	(1600968)
Item 27	September 19, 2019	(1607885)
Item 28	October 19, 2019	(1614750)
Item 29	November 19, 2019	(1620539)
Item 30	December 19, 2019	(1627889)
Item 31	January 13, 2020	(1635515)
Item 32	February 14, 2020	(1642132)
Item 33	March 18, 2020	(1648644)
Item 34	April 14, 2020	(1654999)
Item 35	May 18, 2020	(1661558)
Item 36	June 11, 2020	(1668092)
Item 37	July 22, 2020	(1675039)
Item 38	August 20, 2020	(1681806)
Item 39	August 25, 2020	(1664586)
Item 40	September 18, 2020	(1688385)
Item 43	October 20, 2020	(1694745)
Item 44	November 17, 2020	(1679861)
Item 45	November 18, 2020	(1716820)
Item 46	December 18, 2020	(1716821)
Item 47	January 19, 2021	(1716822)
Item 48	February 18, 2021	(1729901)
Item 49	March 19, 2021	(1729902)
Item 50	April 20, 2021	(1729903)
Item 51	May 19, 2021	(1742242)
Item 52	July 16, 2021	(1753145)
Item 53	November 18, 2021	(1785076)
Item 54	December 17, 2021	(1792109)
Item 55	January 20, 2022	(1799958)
Item 56	February 18, 2022	(1807790)

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: 05/31/2021 (1748330)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 07/31/2021 (1758550)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 08/31/2021 (1767842)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

4

Date: 09/30/2021 (1778405)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

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
GULF WEST LANDFILL TX, LP
RN102151099

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0462-IWD-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 Gulf West Landfill TX, LP (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, together stipulate that:

1. The Respondent owns and operates a non-hazardous industrial waste stabilization and landfill disposal site located at 2601 Jenkins Road, Chambers County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 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 \$9,501 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,601 of the penalty and \$1,900 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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.
9. The Executive Director recognizes that the Respondent implemented corrective measures at the Site by determining the cause of noncompliance and making any necessary repairs/adjustments to the Site to achieve compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003064000 by October 1, 2021.

II. ALLEGATIONS

During a record review conducted on February 28, 2022, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0003064000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2. Specifically, the total aluminum daily maximum concentration limit of 1.766 milligrams per liter ("mg/l") was exceeded during the monthly monitoring periods ending May 31, 2021 (4.14 mg/l), July 31, 2021 (1.91 mg/l), August 31, 2021 (7.62 mg/l), and the pH maximum limit of 9.0 standard units ("SU") was exceeded during the monthly monitoring period ending September 30, 2021 (10.25 SU).

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: Gulf West Landfill TX, LP, Docket No. 2022-0462-IWD-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. All relief not expressly granted in this Order is denied.
3. 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 Site operations referenced in this Order.
4. 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.
5. 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.
6. 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.
7. 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



4/12/2023

For the Executive Director

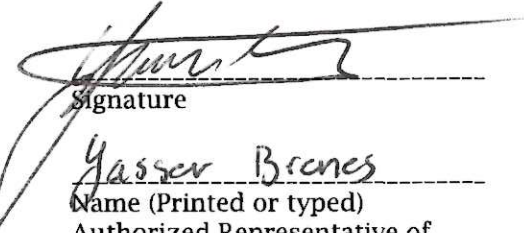
Date

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

Date

12/16/22

Yasser Brones

Name (Printed or typed)
Authorized Representative of
Gulf West Landfill TX, LP

Area 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.