

Executive Summary - Enforcement Matter - Case No. 63314
City of Kingsville
RN102334570
Docket No. 2022-1551-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - AIR, MSW

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Kingsville Landfill, 348 East County Road 2130, Kingsville, Kleberg County

Type of Operation:

Landfill

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 31, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,900

Amount Deferred for Expedited Settlement: \$5,980

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$23,920

Name of SEP: Landfill Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: July 18, 2022 through July 19, 2022

Date(s) of NOE(s): September 16, 2022

Executive Summary – Enforcement Matter – Case No. 63314
City of Kingsville
RN102334570
Docket No. 2022-1551-MLM-E

Violation Information

1. Caused, suffered, allowed, or permitted the processing of municipal solid waste (“MSW”) in such a manner as to cause the endangerment of the human health and welfare or the environment. Specifically, it was determined that the City of Kingsville Landfill Air Curtain Incinerator (“ACI”) was processing MSW in an unsafe manner after five brush fires were documented in the area within five years [30 TEX. ADMIN. CODE § 330.15(a)(3)].

2. Failed to use best management practices to ensure that the ACI blower is operated in a manner to minimize smoke and ash becoming airborne. Specifically, on July 18, 2022 ash from the ACI became airborne igniting brush and starting a fire in two brush piles on the east side of the landfill [30 TEX. ADMIN. CODE §§ 106.496(c)(4)(B) and 122.143(4) and Federal Operating Permit No. O3337/General Operating Permit No. 517, Site-wide Requirements (b)(1) and (b)(8)(D)(xxvii)].

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).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Develop and implement procedures to ensure the ACI is processing MSW safely; and

ii. Develop and implement procedures to ensure best management practices when operating the ACI blower.

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

Executive Summary - Enforcement Matter - Case No. 63314
City of Kingsville
RN102334570
Docket No. 2022-1551-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephanie McCurley, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, Litigation Division, MC 175, (512) 239-0648

Respondent: The Honorable Sam Fugate, Mayor, City of Kingsville, P.O. Box 1458, Kingsville, Texas 78364

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Sep-2022	Screening	3-Nov-2022	EPA Due	
	PCW	7-Nov-2022				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Kingsville		
Reg. Ent. Ref. No.	RN102334570		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63314	No. of Violations	1
Docket No.	2022-1551-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	Yes
Multi-Media	Air	Enf. Coordinator	Stephanie McCurley
		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	\$25,000
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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.			
Compliance History	4.0%	Adjustment	Subtotals 2, 3, & 7

			\$1,000
Notes	Enhancement for two NOVs with dissimilar violations.		

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
Total EB Amounts	\$75	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$500			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes			
	Final Penalty Amount	\$26,000	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,200
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Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$20,800
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Screening Date 3-Nov-2022

Docket No. 2022-1551-MLM-E

PCW

Respondent City of Kingsville

Policy Revision 5 (January 28, 2021)

Case ID No. 63314

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102334570

Media Municipal Solid Waste

Enf. Coordinator Stephanie McCurley

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	2	4%
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) 4%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 4%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 4%

Screening Date 3-Nov-2022	Docket No. 2022-1551-MLM-E	PCW
Respondent City of Kingsville		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 63314		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN102334570		
Media Municipal Solid Waste		
Enf. Coordinator Stephanie McCurley		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	x		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="50.0%"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

Notes

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

Respondent City of Kingsville
Case ID No. 63314
Reg. Ent. Reference No. RN102334570
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	\$500	18-Jul-2022	16-Jul-2025	3.00	\$75	n/a	\$75
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

Develop and implement procedures to ensure the ACI is processing MSW safely. The Date Required is the investigation start 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

\$75



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Sep-2022	Screening	3-Nov-2022	EPA Due	
	PCW	25-Jan-2024				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Kingsville		
Reg. Ent. Ref. No.	RN102334570		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	63314	No. of Violations	1
Docket No.	2022-1551-MLM-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste	Enf. Coordinator	Stephanie McCurley
		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	\$3,750
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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	4.0%	Adjustment	Subtotals 2, 3, & 7

			\$150
Notes	Enhancement for two NOVs with dissimilar violations.		

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
Total EB Amounts	\$749	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$5,000			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes			
	Final Penalty Amount	\$3,900	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,900
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DEFERRAL	20.0%	Reduction	Adjustment	-\$780
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Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$3,120
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Screening Date 3-Nov-2022

Docket No. 2022-1551-MLM-E

PCW

Respondent City of Kingsville

Policy Revision 5 (January 28, 2021)

Case ID No. 63314

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102334570

Media Air

Enf. Coordinator Stephanie McCurley

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	2	4%
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) 4%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 4%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 4%

Screening Date 3-Nov-2022
Respondent City of Kingsville
Case ID No. 63314
Reg. Ent. Reference No. RN102334570
Media Air
Enf. Coordinator Stephanie McCurley

Docket No. 2022-1551-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.496(c)(4)(B) and 122.143(4) and Federal Operating Permit No. O3337/General Operating Permit No. 517, Site-wide Requirements (b)(1) and (b)(8)(D)(xxvii)

Violation Description Failed to use best management practices to ensure that the air curtain incinerator ("ACI") blower is operated in a manner to minimize smoke and ash becoming airborne. Specifically, on July 18, 2022, ash from the ACI became airborne igniting brush and starting a fire in two brush piles on the east side of the landfill.

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

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 Number of violation days 2

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly 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 \$749

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

Economic Benefit Worksheet

Respondent City of Kingsville
Case ID No. 63314
Reg. Ent. Reference No. RN102334570
Media Air
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)	\$5,000	18-Jul-2022	16-Jul-2025	3.00	\$749	n/a	\$749

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures to ensure best management practices when operating the ACI blower. The Date Required is the initial date of non-compliance 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 \$5,000

TOTAL \$749



Compliance History Report

Compliance History Report for CN600674246, RN102334570, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600674246, City of Kingsville	Classification:	SATISFACTORY	Rating:	2.80
Regulated Entity:	RN102334570, City of Kingsville Landfill	Classification:	SATISFACTORY	Rating:	1.33
Complexity Points:	7	Repeat Violator:	NO		
CH Group:	07 - Solid Waste Landfills				
Location:	348 East County Road 2130 in Kingsville, Kleberg County, Texas				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				
ID Number(s):					
AIR OPERATING PERMITS PERMIT 3337		AIR OPERATING PERMITS ACCOUNT NUMBER	KJ0007F		
AIR OPERATING PERMITS PERMIT 4167		AIR NEW SOURCE PERMITS ACCOUNT NUMBER	KJ0007F		
AIR NEW SOURCE PERMITS AFS NUM 4827300017		MUNICIPAL SOLID WASTE DISPOSAL PERMIT	235C		
STORMWATER PERMIT TXR05L074		AIR EMISSIONS INVENTORY ACCOUNT NUMBER	KJ0007F		

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: February 15, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 15, 2019 to February 15, 2024

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

Name: Stephanie McCurley **Phone:** (512) 239-2607

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	August 02, 2019	(1526922)
Item 2	October 22, 2019	(1603175)
Item 3	March 24, 2020	(1623776)
Item 4	August 21, 2020	(1666352)
Item 5	August 25, 2020	(1609682)
Item 6	November 06, 2020	(1686071)
Item 7	May 27, 2021	(1701374)
Item 8	March 31, 2023	(1894835)

Component Appendices

Appendix A

All NOVs Issued During Component Period 2/15/2019 and 2/15/2024

- 1 Date: 06/17/2019 (1570156)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 330, SubChapter D 330.129
Description: Failed to contact TCEQ Region 14 Corpus Christi within 4 hours of a fire was not extinguished within 10 minutes. Fire occurred on May 15, 2019 to May 16, 2019, from approximately 7:00 pm to 2:00 am.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 106, SubChapter V 106.496(f)(1)(C)
Description: Failed to completely extinguish all material removed from the ACI before being disposed of or placed in contact with combustible material and stored in a manner that does not constitute a fire hazard or allow the material to smolder or burn outside of the ACI.
- 2 Date: 05/22/2020 (1639009)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 328, SubChapter F 328.58(e)
Description: Failure to notify the TCEQ of any transporter or authorized scrap tire facility that fails to properly complete the tire manifest.
- 3 Date: 08/31/2021 (1709617)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 330, SubChapter A 330.15(a)(3)
Description: Failed to prevent the collection, storage, transportation, processing, or disposal of municipal solid waste (MSW), or the use or operation of a solid waste facility to store, process, or dispose of solid waste, in violation of the Texas Health and Safety Code, or any regulations, rules, permit, license, order of the commission, or in such a manner that causes endangerment of human health and welfare or the environment.
- 4* Date: 05/05/2023 (1888415)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 330, SubChapter J 330.421(a)(4)
Description: Failed to provide a steel protective collar around the casing "stickup" of each well, to protect it from unwanted entry.
Self Report? NO Classification: Moderate
Citation:
235C PERMIT
30 TAC Chapter 330, SubChapter D 330.121(a)
Description: Failed to maintain a maximum liquid (leachate) level of 30 centimeters above the landfill liner in accordance with the Leachate and Contaminated Water Management Plan.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 328, SubChapter F 328.54(c)
Description: Failed to obtain written approval from the executive director or the commission prior to storing in excess of 500 used or scrap tires on the ground.
- 5 Date: 12/06/2023 (1943470)
Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 328, SubChapter F 328.54(c)

Description:

Failed to obtain written approval from the executive director or the commission prior to storing in excess of 500 used or scrap tires on the ground.

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period February 15, 2019 and February 15, 2024

Item 1	June 28, 2019**	(1570156)
Item 2*	August 02, 2019**	(1526922)
Item 3*	October 22, 2019**	(1603175)
Item 4*	March 24, 2020**	(1623776)
Item 5	May 26, 2020**	(1639009)
Item 6*	August 21, 2020**	(1666352)
Item 7*	August 25, 2020**	(1609682)
Item 8*	November 06, 2020**	(1686071)
Item 9*	May 27, 2021**	(1701374)
Item 10	August 31, 2021**	(1709617)
Item 11	November 22, 2021**	(1770203)
Item 12	September 16, 2022**	(1838775)
Item 13*	March 31, 2023**	(1894835)
Item 14	May 05, 2023**	(1888415)
Item 15	September 28, 2023	(1929788)
Item 16	December 06, 2023	(1943470)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF KINGSVILLE
RN102334570

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1551-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Kingsville (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 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 landfill located at 348 East County Road 2130 in Kingsville, Kleberg County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361 and one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 chs. 361 and 382 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 \$29,900 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$5,980 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, \$23,920 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 at the Facility conducted July 18, 2022 through July 19, 2022, an investigator documented that the Respondent:

1. Caused, suffered, allowed, or permitted the processing of MSW in such a manner as to cause the endangerment of the human health and welfare or the environment, in violation of 30 TEX. ADMIN. CODE § 330.15(a)(3). Specifically, it was determined that the City of Kingsville Landfill Air Curtain Incinerator ("ACI") was processing MSW in an unsafe manner after five brush fires were documented in the area within five years.
2. Failed to use best management practices to ensure that the air curtain incinerator ("ACI") blower is operated in a manner to minimize smoke and ash becoming airborne, in violation of 30 TEX. ADMIN. CODE §§ 106.496(c)(4)(B) and 122.143(4) and Federal Operating Permit No. O3337/General Operating Permit No. 517, Site-wide Requirements (b)(1) and (b)(8)(D)(xxvii). Specifically, on July 18, 2022 ash from the ACI became airborne igniting brush and starting a fire in two brush piles on the east side of the landfill.

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: City of Kingsville, Docket No. 2022-1551-MLM-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$23,920 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 at the Facility:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures to ensure the ACI is processing MSW safely; and
 - ii. Develop and implement procedures to ensure best management practices when operating the ACI blower.
 - b. Within 45 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 No. 3.a. 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:

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

with a copy to:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

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. 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 Enforcement Division at the address listed above.
7. 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.
8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Krista Mello-Jurack

For the Executive Director

Date
12/27/2025

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.

W. A. Donnell

Signature

10/10/2025

Date

William A. Donnell

Name (Printed or typed)
Authorized Representative of
City of Kingsville

Director of Public Works

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: 2022-1551-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Kingsville
Penalty Amount:	\$23,920
SEP Offset Amount:	\$23,920
Type of SEP:	Compliance
Project Name:	<i>Landfill Improvements</i>
Location of SEP:	Kleberg County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its landfill (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to remove and properly dispose of tires and tire scraps from the Facility. Additionally, a contractor was hired to perform repairs on the dozer used at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment related to the tire removal and disposal and repair of the dozer (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernable environmental benefit by ensuring proper management of waste at the landfill. A properly operating dozer at a landfill ensures efficient covering of waste and reducing the risk of exposure. With a well-maintained dozer, operators can ensure that waste is evenly spread and compacted, which minimizes the potential for harmful leachate and gas emissions. The removal of tires and tire scraps helps prevent pest breeding grounds and reduces the risk of soil, groundwater, and surface water contamination. Overall, ensuring proper management of the landfill will reduce potential contamination and pollution to the air, land, and water.

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Tire Removal and Disposal	\$11,453.75
Dozer Repair	\$13,875.06
Total	\$25,328.81

2. Records

As of July 15, 2024, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. Manifests sufficient to show proof of proper disposal of the collected materials;
6. A detailed map showing the specific location of the project site(s); and
7. Photographs of before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If 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 Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, 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, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to the SEP Coordinator at the address provided below:

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

6. Recognition

Respondent may not seek recognition for this project 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 Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.