## Executive Summary – Enforcement Matter – Case No. 65076 PLEASANT OAKS LANDFILL TX, LP RN102049103 Docket No. 2023-1782-MSW-E

Order Type:

1660 Agreed Order

**Findings Order Justification:** 

N/A **Media:** MSW

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

Pleasant Oaks Landfill, 3031 Farm-to-Market Road 3417, Mount Pleasant, Titus 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:** August 8, 2025

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$45,577

**Amount Deferred for Expedited Settlement:** \$9,115

**Total Paid to General Revenue:** \$36,462 **Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:** 

Person/CN - High Site/RN - High

**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: March 30, 2023

**Date(s) of NOE(s):** May 31, 2023

## Executive Summary – Enforcement Matter – Case No. 65076 PLEASANT OAKS LANDFILL TX, LP RN102049103 Docket No. 2023-1782-MSW-E

## **Violation Information**

Failed to prevent the disposal of unauthorized wastes and to follow the Site Operating Plan ("SOP") which lists specific wastes excluded from being disposed of in the landfill. Specifically, the Facility accepted F006 listed hazardous waste that was improperly classified as Class I non-hazardous waste in the amounts of 7.92 tons in 2018, 2.42 tons in 2019, 6.32 tons in 2020, and 2.24 tons in 2021 [30 Tex. ADMIN. CODE § 305.124 and MSW Disposal Permit No. 797B, SOP Sections 4.2.5 Prohibited Wastes and 4.2.2 Waste Excluded from Disposal at the Site].

## Corrective Actions/Technical Requirements

## **Corrective Action(s) Completed:**

N/A

## **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, develop and implement procedures to ensure unauthorized wastes are not disposed of at the landfill; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

### **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

Respondent: Gregg K. Brummer, President, PLEASANT OAKS LANDFILL TX, LP, 18500

North Allied Way, Phoenix, Arizona 85054

Brady Loesch, PLEASANT OAKS 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** 

gned 5-Jun-2023 PCW 10-Jan-2025 Screening 22-Nov-2023 **EPA Due** 

RESPONDENT/FACILITY INFORMATION Respondent PLEASANT OAKS LANDFILL TX, LP Reg. Ent. Ref. No. RN102049103
Facility/Site Region 5-Tyler Major/Minor Source Major

**CASE INFORMATION Enf./Case ID No.** 65076 No. of Violations 1 **Docket No.** 2023-1782-MSW-E Order Type 1660 Media Program(s) Municipal Solid Waste Government/Non-Profit No **Enf. Coordinator** Stephanie McCurley Multi-Media EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum Maximum

	Penalty Calculation Section			
TOTAL BASE PEN	Subtotal 1	\$37,500		
ADILISTMENTS (4	·/-) TO SUBTOTAL 1			
	btained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance H	istory -10.0% Adjustment Subt	otals 2, 3, & 7	-\$3,750	
Notes	Reduction for High Performer classification.			
Culpability	No 0.0% Enhancement	Subtotal 4	\$0	
Notes	The Respondent does not meet the culpability criteria.			
Good Faith Ef	fort to Comply Total Adjustments	Subtotal 5	\$0	
	. ,		•	
Economic Ber		Subtotal 6	\$0	
Estimate	Total EB Amounts \$11,902 *Capped at the Total EB \$ Amount d Cost of Compliance \$11,958			
SUM OF SUBTOTA	LS 1-7	Final Subtotal	\$33,750	
	AS JUSTICE MAY REQUIRE 35.0%	Adjustment	\$11,827	
Reduces or enhances the Fin				
Notes Enhancement to capture the avoided cost of compliance associated with the violation.				
	Final Pe	nalty Amount	\$45,577	
STATUTORY LIMI	T ADJUSTMENT Final Ass	essed Penalty	\$45,577	
DEFERRAL	<b>20.0%</b> Reduction	Adjustment	-\$9,115	
	enalty by the indicated percentage.	¬		
Notes	Deferral offered for expedited settlement.			
PAYABLE PENALT	Υ		\$36,462	
			· · · · · ·	

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Respondent PLEASANT OAKS LANDFILL TX, LP

**Case ID No.** 65076

Reg. Ent. Reference No. RN102049103

Media Municipal Solid Waste

Enf. Coordinator Stephanie McCurley

>>	Compliance Hist	Compliance History Worksheet ory 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 (number of NOVs meeting criteria)	0	0%		
		Other written NOVs	0	0%		
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%		
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%		
	Decrees	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 (number of counts)	0	0%		
	Emissions	Chronic excessive emissions events (number of events)	0	0%		
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0	0%		
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%		
		Environmental management systems in place for one year or more	No	0%		
	Other	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		0%		
		Adjustment Per	centage (Sub	ototal 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%						
		rınaı Aujustinent Percenta	aye cappea	at 100% -10%		

	E	conomic	Benefit	Wor	ksheet		
Respondent Case ID No. Reg. Ent. Reference No.	65076	KS LANDFILL TX,	LP				
Media Violation No.	Municipal Solid	d Waste				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Dalassa d Carda							
Delayed Costs		1		0.00	40	±0.	¢Ω
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$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	30-Mar-2023	31-Mar-2026	3.01	\$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	Estimated delayed cost to develop and implement procedures to ensure unauthorized wastes are not disposed of at the landfill (\$500). The Date Required is the investigation date and the Final Date is the estimated date of compliance.  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Avoided Costs Disposal	ANNU	ALIZE avoided C	osts before en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$11,458	30-Mar-2023	22-Nov-2023	0.65	\$369	\$11,458	\$11,827
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to remove all unauthorized F-listed hazardous wastes and dispose of it at an authorized facility. The Date Required is the investigation date and the Final Date is the screening date.						
Approx. Cost of Compliance		\$11,958			TOTAL		\$11,902

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 CN600126056, RN102049103, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, CN600126056, PLEASANT OAKS LANDFILL Classification: HIGH Rating: 0.00

or Owner/Operator: TX, LP

Regulated Entity: RN102049103, Pleasant Oaks Classification: HIGH Rating: 0.00

Landfill

Complexity Points: 13 Repeat Violator: NO

CH Group: 11 - Waste Management (Excluding Landfills)

**Location:** 3031 Farm-to-Market Road 3417 in Mount Pleasant, Titus County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER TF0088Q AIR OPERATING PERMIT 1992

AIR NEW SOURCE PERMITS AFS NUM 4844900020
AIR NEW SOURCE PERMITS REGISTRATION 81760
MUNICIPAL SOLID WASTE DISPOSAL PERMIT 797B
MUNICIPAL SOLID WASTE NON PERMITTED ID

NUMBER TYU00027

PETROLEUM STORAGE TANK REGISTRATION STORMWATER PERMIT TXR05K495

**REGISTRATION 72042** 

AIR EMISSIONS INVENTORY ACCOUNT NUMBER INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TF0088Q TXD982283293

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) H0797

Compliance History Period: September 01, 2019 to August 31, 2024 Rating Year: 2024 Rating Date: 09/01/2024

**Date Compliance History Report Prepared:** March 25, 2025 **Agency Decision Requiring Compliance History:** Enforcement

Component Period Selected: March 25, 2020 to March 25, 2025

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 25, 2020	(1312235)
Item 2	October 19, 2020	(1680079)
Item 3	September 01, 2021	(1704843)
Item 4	November 01, 2021	(1765282)
Item 5	September 30, 2022	(1845990)

Item 6	March 31, 2023	(1894825)
Item 7	September 29, 2023	(1930089)
Item 8	March 08, 2024	(1982254)
Item 9	December 03, 2024	(2021359)
Item 10	January 27, 2025	(2053426)

## 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:

NI/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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PLEASANT OAKS LANDFILL TX, LP	§	
RN102049103	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2023-1782-MSW-E

## I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") cor	nsidered this agreement of the parties, resolving an enforcement
action regarding PLEASANT	OAKS LANDFILL TX, LP (the "Respondent") under the authority of
TEX. HEALTH & SAFETY CODE ch	n. 361 and Tex. Water Code ch. 7. The Executive Director of the
TCEQ, through the Enforcen	nent Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a landfill located at 3031 Farm-to-Market Road 3417 in Mount Pleasant, Titus 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.
- 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 \$45,577 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$36,462 of the penalty and \$9,115 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.

#### II. ALLEGATIONS

During an investigation at the Facility conducted on March 30, 2023, an investigator documented that the Respondent failed to prevent the disposal of unauthorized wastes and to follow the Site Operating Plan ("SOP") which lists specific wastes excluded from being disposed of in the landfill, in violation of 30 Tex. Admin. Code § 305.124 and MSW Disposal Permit No. 797B, SOP Sections 4.2.5 Prohibited Wastes and 4.2.2 Waste Excluded from Disposal at the Site. Specifically, the Facility accepted F006 listed hazardous waste that was improperly classified as Class I non-hazardous waste in the amounts of 7.92 tons in 2018, 2.42 tons in 2019, 6.32 tons in 2020, and 2.24 tons in 2021.

#### 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: PLEASANT OAKS LANDFILL TX, LP, Docket No. 2023-1782-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, develop and implement procedures to ensure unauthorized wastes are not disposed of at the landfill, in accordance with 30 Tex. Admin. Code § 305.124 and MSW Disposal Permit No.

797B, SOP Sections 4.2.5 Prohibited Wastes and 4.2.2 Waste Excluded from Disposal at the Site; and

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.
2.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 Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon 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.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
- 6. 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.

- 7. 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.
- 8. 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
Kriote Meleo-Jurach	09/07/2025
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 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.

Date
And President - South

Bondy Los

Signatur

Name (Printed or typed) Authorized Representative of

PLEASANT OAKS LANDFILL TX, LP

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