

Executive Summary – Enforcement Matter – Case No. 65195

Wilson County

RN102740107

Docket No. 2024-0011-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – AIR, IHW, MSW

Small Business:

No

Location(s) Where Violation(s) Occurred:

Wilson County Landfill, 549 County Road 310, Floresville, Wilson County

Type of Operation:

Transfer station

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: August 15, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,751

Amount Deferred for Expedited Settlement: \$3,150

Total Paid to General Revenue: \$12,601

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): September 7, 2023

Complaint Information: Alleged that the Respondent was burning waste.

Date(s) of Investigation: September 22, 2023

Date(s) of NOE(s): November 29, 2023

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Wilson County

RN102740107

Docket No. 2024-0011-MLM-E

Violation Information

1. Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases. Specifically, 11 lead-acid batteries were stored on bare ground and not in containers [30 TEX. ADMIN. CODE § 335.261(a) and 40 CODE OF FEDERAL REGULATIONS § 273.13(a)].
2. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste (“MSW”). Specifically, approximately four cubic yards of MSW, consisting of construction and demolition waste, and 20 deer carcasses, and 17 cubic yards of burned material were disposed of at the Site. Also, discharged waste oil impacting an area of approximately five-feet by five-feet, and a second discharge of fuel impacting an area of one-foot by one-foot were observed at the time of the investigation [30 TEX. ADMIN. CODE § 330.15(a) and (c)].
3. Caused, suffered, allowed, or permitted outdoor burning within the State of Texas. Specifically, approximately 17 cubic yards of MSW, consisting of wooden items and brush, were burned in an unauthorized excavated burn pit at the Site [30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to obtain authorization prior to penetrating the final cover over a closed MSW landfill. Specifically, the Respondent excavated a pit over the landfill area which included a landfill cap without authorization [30 TEX. ADMIN. CODE § 330.954(e)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Removed all spent lead-acid batteries from the Site and disposed of them at an authorized facility on September 25, 2023;
- b. Removed the MSW, including all impacted soils, from the Site and disposed of it at an authorized facility on September 28, 2023; and
- c. Remediated and filled the burn pit at the Site, including applying cover over the exposed MSW and repairing the final cover, by June 7, 2024.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 65195

Wilson County

RN102740107

Docket No. 2024-0011-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Adriana Fuentes, Enforcement Division, Enforcement Team 6, MC R-15, (956) 430-6057; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: The Honorable Henry L. Whitman, Jr., County Judge, Wilson County, 1420 3rd Street, Suite 101, Floresville, Texas 78114

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Dec-2023	Screening	22-Dec-2023	EPA Due	
	PCW	11-Jan-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Wilson County
Reg. Ent. Ref. No.	RN102740107
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	65195	No. of Violations	4
Docket No.	2024-0011-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	Yes
Multi-Media	Air and Industrial and Hazardous Waste	Enf. Coordinator	Adriana Fuentes
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,999
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$525	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,835	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,751
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$15,751
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,751
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,150
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$12,601
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Screening Date	22-Dec-2023	Docket No.	2024-0011-MLM-E	PCW
Respondent	Wilson County			
Case ID No.	65195			
Reg. Ent. Reference No.	RN102740107			
Media	Municipal Solid Waste			
Enf. Coordinator	Adriana Fuentes			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	22-Dec-2023	Docket No.	2024-0011-MLM-E	PCW
Respondent	Wilson County	Policy Revision 5 (January 28, 2021)		
Case ID No.	65195	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN102740107			
Media	Municipal Solid Waste			
Enf. Coordinator	Adriana Fuentes			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 335.261(a) and 40 Code of Federal Regulations § 273.13(a)			
Violation Description	Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases. Specifically, 11 lead-acid batteries were stored on bare ground and not in containers.			
Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual			x
Potential				
Percent			15.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent			0.0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants 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	3	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty \$3,750				
One quarterly event is recommended from the September 22, 2023 investigation date to the September 25, 2023 date of compliance.				
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 on September 25, 2023, prior to the November 29, 2023 Notice of Enforcement ("NOE").			
Violation Subtotal			\$2,813	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$0	Violation Final Penalty Total	\$2,813	
This violation Final Assessed Penalty (adjusted for limits)			\$2,813	

Economic Benefit Worksheet

Respondent Wilson County
Case ID No. 65195
Reg. Ent. Reference No. RN102740107
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$29	22-Sep-2023	25-Sep-2023	0.01	\$0	n/a	\$0
Actual delayed cost, per invoice, to properly remove all lead-acid batteries from the Site and dispose of them at an authorized facility. The Date Required is the investigation date and the Final Date is the date of compliance.							

Notes for DELAYED costs

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 \$29

TOTAL \$0

Screening Date	22-Dec-2023	Docket No.	2024-0011-MLM-E	PCW	
Respondent	Wilson County	Policy Revision 5 (January 28, 2021)			
Case ID No.	65195	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN102740107				
Media	Municipal Solid Waste				
Enf. Coordinator	Adriana Fuentes				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code § 330.15(a) and (c)				
Violation Description	Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately four cubic yards of MSW, consisting of construction and demolition waste, and 20 deer carcasses, and 17 cubic yards of burned material were disposed of at the Site. Also, discharged waste oil impacting an area of approximately five-feet by five-feet, and a second discharge of fuel impacting an area of one-foot by one-foot were observed at the time of the investigation.				
Base Penalty			\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm Moderate	Minor	
	Actual			x	
	Potential				
				Percent	15.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants 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	6	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$3,750
One quarterly event is recommended from the September 22, 2023 investigation date to the September 28, 2023 date of compliance.					
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 on September 28, 2023, prior to the November 29, 2023 NOE.				
Violation Subtotal				\$2,813	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$1	Violation Final Penalty Total		\$2,813
This violation Final Assessed Penalty (adjusted for limits)				\$2,813	

Economic Benefit Worksheet

Respondent Wilson County
Case ID No. 65195
Reg. Ent. Reference No. RN102740107
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,569	22-Sep-2023	28-Sep-2023	0.02	\$1	n/a	\$1
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 remove all MSW, including all impacted soils, from the Site and dispose of it at an authorized facility. The Date Required is the investigation date 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

\$1,569

TOTAL

\$1

Screening Date 22-Dec-2023 Respondent Wilson County Case ID No. 65195 Reg. Ent. Reference No. RN102740107 Media Municipal Solid Waste Enf. Coordinator Adriana Fuentes	Docket No. 2024-0011-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 111.201 and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Caused, suffered, allowed, or permitted outdoor burning within the State of Texas. Specifically, approximately 17 cubic yards of MSW, consisting of wooden items and brush, were burned in an unauthorized excavated burn pit at the Site.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
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
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Violation Events

Number of Violation Events	1	1	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty			
\$3,750			

One single event is recommended.

Good Faith Efforts to Comply

10.0%	Reduction
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	x
N/A	
Notes	The Respondent achieved compliance on June 7, 2024 after the November 29, 2023 NOE.
Violation Subtotal	
\$3,375	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$240	\$3,375
This violation Final Assessed Penalty (adjusted for limits)	
\$3,375	

Economic Benefit Worksheet

Respondent Wilson County
Case ID No. 65195
Reg. Ent. Reference No. RN102740107
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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 delayed cost is included in Violation No. 4.						

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	\$237	22-Sep-2023	22-Dec-2023	0.25	\$3	\$237	\$240
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to properly dispose of approximately 17 cubic yards of MSW at an authorized facility rather than burning. The Date Required is the investigation date and the Final Date is the screening date.						

Approx. Cost of Compliance \$237

TOTAL \$240

Screening Date 22-Dec-2023 Respondent Wilson County Case ID No. 65195 Reg. Ent. Reference No. RN102740107 Media Municipal Solid Waste Enf. Coordinator Adriana Fuentes	Docket No. 2024-0011-MLM-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	
Rule Cite(s)		30 Tex. Admin. Code § 330.954(e)(2)
Violation Description	Failed to obtain authorization prior to penetrating the final cover over a closed MSW landfill. Specifically, the Respondent excavated a pit over the landfill area which included a landfill cap without authorization.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
		x			Percent 10.0%	
	100% of the rule requirement was not met.					
						Adjustment \$22,500

	\$2,500
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Violation Events

Number of Violation Events 3	91	Number of violation days
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	daily				Violation Base Penalty \$7,500
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Three monthly events are recommended from the September 22, 2023 investigation date to the December 22, 2023 screening date.	
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Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on June 7, 2024 after the November 29, 2023 NOE.	

Violation Subtotal	\$6,750
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$284	Violation Final Penalty Total \$6,750
This violation Final Assessed Penalty (adjusted for limits) \$6,750	

Economic Benefit Worksheet

Respondent Wilson County
Case ID No. 65195
Reg. Ent. Reference No. RN102740107
Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$8,000	22-Sep-2023	7-Jun-2024	0.71	\$284	n/a	\$284
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to remediate and fill the burn pit at the Site, including applying cover over the exposed MSW and repairing the final cover. The Date Required is the investigation date 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 \$8,000

TOTAL \$284



Compliance History Report

Compliance History Report for CN601396047, RN102740107, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN601396047, Wilson County	Classification:	UNCLASSIFIED	Rating:	-----
Regulated Entity:	RN102740107, Wilson County Landfill	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	1	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	549 County Road 310 in Floresville, Wilson County, Texas 78114-3413				
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s):					
MUNICIPAL SOLID WASTE PROCESSING PERMIT	120012	MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER	R13102740107		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	February 13, 2025				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 13, 2020 to February 13, 2025				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Adriana Fuentes		Phone:	(956) 430-6057	

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WILSON COUNTY
RN102740107

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0011-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 Wilson County (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 transfer station located at 549 County Road 310 in Floresville, Wilson County, Texas (the "Site"). The Site involves or involved the management of municipal solid waste ("MSW"), and industrial and hazardous waste ("IHW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site consists or consisted of 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 \$15,751 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,601 of the penalty and \$3,150 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 the following corrective measures at the Site:
 - a. Removed all spent lead-acid batteries from the Site and disposed of them at an authorized facility on September 25, 2023;
 - b. Removed the MSW, including all impacted soils, from the Site and disposed of it at an authorized facility on September 28, 2023; and
 - c. Remediated and filled the burn pit at the Site, including applying cover over the exposed MSW and repairing the final cover, by June 7, 2024.

II. ALLEGATIONS

During an investigation at the Site conducted on September 22, 2023, an investigator documented that the Respondent:

1. Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases, in violation of 30 TEX. ADMIN. CODE § 335.261(a) and 40 CODE OF FEDERAL REGULATIONS § 273.13(a). Specifically, 11 lead-acid batteries were stored on bare ground and not in containers.
2. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately four cubic yards of MSW, consisting of construction and demolition waste, and 20 deer carcasses, and 17 cubic yards of burned material were disposed of at the Site. Also, discharged waste oil impacting an area of approximately five-feet by five-feet, and a second discharge of fuel impacting an area of one-foot by one-foot were observed at the time of the investigation.
3. Caused, suffered, allowed, or permitted outdoor burning within the State of Texas, in violation of 30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, approximately 17 cubic yards of MSW, consisting of wooden items and brush, were burned in an unauthorized excavated burn pit at the Site.
4. Failed to obtain authorization prior to penetrating the final cover over a closed MSW landfill, in violation of 30 TEX. ADMIN. CODE § 330.954(e)(2). Specifically, the Respondent excavated a pit over the landfill area which included a landfill cap without authorization.

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: Wilson County, Docket No. 2024-0011-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. 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

Krista Mello-Jurack

For the Executive Director

Date

09/07/2025

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.

[Signature]

Signature

6-24-2025

Date

Henry L. Whitman Jr.

Name (Printed or typed)
Authorized Representative of
Wilson County

Wilson Co. Judge

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.