Executive Summary – Enforcement Matter – Case No. 67429
Upton County
RN102843687
Docket No. 2025-0329-MSW-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
MSW
Small Business:
No
Location(s) Where Violation(s) Occurred:
Upton County Rankin Landfill, located 1.5 miles north of Rankin on Highway 349, Rankin, Upton County
Type of Operation:
Type IV - Arid Exempt 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: March 27, 2026
Comments Received: No

Penalty Information

Total Penalty Assessed: $17,550
Amount Deferred for Expedited Settlement: $3,510
Total Paid to General Revenue: $14,040
Total Due to General Revenue: $0
Payment Plan: N/A
Compliance History Classifications:
Person/CN - High
Site/RN - High
Major Source: No
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: January 24, 2025
Date(s) of NOE(s): February 13, 2025

Violation Information

1. Failed to employ at least one licensed individual who supervises or manages the operations of a municipal solid waste ("MSW") facility. Specifically, the Respondent did not employ a licensed Class B supervisor [30 TEX. ADMIN. CODE §§ 30.213(a) and (b) and 330.121(a), and MSW Permit No. 691, Site Operating Plan ("SOP"), Section 4.0 - Landfill Personnel].

2. Failed to operate in accordance with the SOP concerning operational and applicable personnel training requirements. Specifically, training was not conducted for Facility personnel [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.127(4), and MSW Permit No. 691, SOP, Section 7.1 - Training Requirements].

3. Failed to maintain waste acceptance hours between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Specifically, the sign posted at the Facility lists Saturday in the hours of operation, which was not included as an approved day of operation in the SOP [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.135(a), and MSW Permit No. 691, SOP, Section 12.0 - Facility Operating Hours].

4. Failed to install landfill markers to clearly mark significant features. Specifically, no benchmark or landfill markers were observed at the Facility [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.143(b), and MSW Permit No. 691, SOP, Section 16.0 - Landfill Markers and Benchmark].

5. Failed to provide timely and adequate landfill cover. Specifically, exposed waste was observed on the east side of the cell, and exposed brush was observed south of the working face without cover for more than 180 days [30 TEX. ADMIN. CODE §§ 330.121(a), 330.165(b) and (c), and MSW Permit No. 691, SOP, Section 26.0 - Landfill Cover].

6. Failed to maintain the size of the unloading area in accordance with the Facility's SOP. Specifically, the SOP indicates that the unloading area will not exceed 100-feet in length by 50-feet in depth; however, it was observed to be approximately 274 feet by 60 feet [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.133(a), and MSW Permit No. 691, SOP, Section 11.0 - Unloading of Waste].

7. Failed to conduct methane monitoring around the permitted boundary. Specifically, the Landfill Gas Management Plan ("LGMP") was not being followed, no handheld testing was being performed, and there were no methane monitoring probes installed at the Facility [30 TEX. ADMIN. CODE §§ 330.121(a), 330.159, and 330.371(b), and MSW Permit No. 691, LGMP, Section 4.0 - Landfill Gas Monitoring].

8. Failed to provide financial assurance for closure, post-closure, and corrective action cost estimates [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.503(b), and MSW Permit No. 691, Final Closure Plan, Section 5.0 - Financial Assurance].

9. Failed to control access to the MSW facility. Specifically, the Respondent provided keys to a hospital, school, city, county, and two local contractors for uncontrolled access [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.131, and MSW Permit No. 691, SOP, Section 10.0 - Access Control].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Obtain a Class B license for one employee to supervise or manage the operations of the Facility;

ii. Implement training for all personnel and maintain personnel training records;

iii. Implement procedures to ensure the Facility operates within the hours specified in the approved SOP;

iv. Update the Facility signage to ensure the Facility operates within the hours specified in the approved SOP;

v. Install and maintain all required landfill markers and benchmark at the Facility;

vi. Implement a process designed to ensure that the Facility provides adequate daily and intermediate cover for the landfill;

vii. Begin maintaining the size of the working face in accordance with the SOP;

viii. Implement a routine methane monitoring program in accordance with the Facility's LGMP;

ix. Obtain financial assurance for the closure, post closure, and corrective action cost estimates for the Facility; and

x. Implement procedures to ensure the Facility controls access to prevent unauthorized vehicular traffic and illegal dumping at the Facility.

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

Executive Summary – Enforcement Matter – Case No. 67429
Upton County
RN102843687
Docket No. 2025-0329-MSW-E

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Elizabeth Vanderwerken, Enforcement Division, Enforcement Backlog Team, MC 174, (512) 239-5900; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548
Respondent: The Honorable Dusty Kilgore, County Judge, Upton County, P.O. Box 482, Rankin, Texas 79778
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

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

DATES						
	Assigned	18-Feb-2025				
	PCW	26-Mar-2026	**Screening**	19-Feb-2025	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	Upton County		
Reg. Ent. Ref. No.	RN102843687		
Facility/Site Region	7-Midland	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	67429	**No. of Violations**	9
Docket No.	2025-0329-MSW-E	**Order Type**	1660
Media Program(s)	Municipal Solid Waste	**Government/Non-Profit**	Yes
Multi-Media		**Enf. Coordinator**	Elizabeth Vanderwerken
		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*** **$19,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **-10.0%** Adjustment — ***Subtotals 2, 3, & 7*** **-$1,950**

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 Effort to Comply Total Adjustments — ***Subtotal 5*** **$0**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $8,484
Estimated Cost of Compliance $22,837
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$17,550**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$17,550**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$17,550**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$3,510**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$14,040**

Screening Date 19-Feb-2025 **Docket No.** 2025-0329-MSW-E **PCW**

Respondent Upton County

Policy Revision 5 (January 28, 2021)

Case ID No. 67429

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102843687

Media Municipal Solid Waste

Enf. Coordinator Elizabeth Vanderwerken

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	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%

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** -10%

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County	*Policy Revision 5 (January 28, 2021)*	
Case ID No.	67429	*PCW Revision February 11, 2021*	
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.213(a) and (b) and 330.121(a), and Municipal Solid Waste ("MSW") Permit No. 691, Site Operating Plan ("SOP"), Section 4.0 - Landfill Personnel

Violation Description Failed to employ at least one licensed individual who supervises or manages the operations of a MSW facility. Specifically, the Respondent did not employ a licensed Class B supervisor.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	**Harm** Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $36

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
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
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	$801	24-Jan-2025	17-Dec-2025	0.90	$36	n/a	$36
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 obtain a Class B license for one employee to supervise or manage the operations of the Facility. The Date Required is the investigation 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	$801	TOTAL	$36

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.127(4), and MSW Permit No. 691, SOP, Section 7.1 - Training Requirements

Violation Description Failed to operate in accordance with the SOP concerning operational and applicable personnel training requirements. Specifically, training was not conducted for Facility personnel.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
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
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	24-Jan-2025	17-Dec-2025	0.90	$22	n/a	$22
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 implement training for all personnel and maintain personnel training records. The Date Required is the investigation 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	$22

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.135(a), and MSW Permit No. 691, SOP, Section 12.0 - Facility Operating Hours

Violation Description Failed to maintain waste acceptance hours between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Specifically, the sign posted at the Facility lists Saturday in the hours of operation, which was not included as an approved day of operation in the SOP.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would 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 — 26 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One monthly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
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
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	$100	24-Jan-2025	17-Dec-2025	0.90	$4	n/a	$4
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$100	24-Jan-2025	17-Dec-2025	0.90	$4	n/a	$4

Notes for DELAYED costs

Estimated cost to implement procedures to ensure the Facility operates within the hours specified in the approved SOP ($100) and update the facility signage to ensure the Facility operates within the hours specified in the approved SOP ($100). The Date Required is the investigation 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 $200

TOTAL $8

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.143(b), and MSW Permit No. 691, SOP, Section 16.0 - Landfill Markers and Benchmark

Violation Description Failed to install landfill markers to clearly mark significant features. Specifically, no benchmark or landfill markers were observed at the Facility.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	**Harm** Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $90

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
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
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)	$2,000	24-Jan-2025	17-Dec-2025	0.90	$90	n/a	$90
Notes for DELAYED costs	Estimated delayed cost to install and maintain all required landfill markers and benchmark at the Facility. The Date Required is the investigation date, 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	$2,000				TOTAL		$90

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a), 330.165(b) and (c), and MSW Permit No. 691, SOP, Section 26.0 - Landfill Cover

Violation Description Failed to provide timely and adequate landfill cover. Specifically, exposed waste was observed on the east side of the cell, and exposed brush was observed south of the working face without cover for more than 180 days.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	**Harm** Major	Moderate	Minor
Actual			
Potential		X	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $1,250

One quarterly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $7,470

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
Media Municipal Solid Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	24-Jan-2025	17-Dec-2025	0.90	$22	n/a	$22
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 implement a process designed to ensure that the Facility provides adequate daily and intermediate cover for the landfill ($500). The Date Required is the investigation 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	$7,422	24-Jan-2025	19-Feb-2025	0.07	$26	$7,422	$7,448
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to provide adequate cover for the landfill ($7,421.70; 1,389 cubic yards of exposed waste requiring weekly cover and 3,109 cubic yards of brush exposed requiring intermediate cover at $1.65 per cubic yard of soil). The Date Required is the investigation date, and the Final Date is the screening date.						
Approx. Cost of Compliance	$7,922				**TOTAL**		$7,470

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.133(a), and MSW Permit No. 691, SOP, Section 11.0 - Unloading of Waste

Violation Description Failed to maintain the size of the unloading area in accordance with the Facility's SOP. Specifically, the SOP indicates that the unloading area will not exceed 100-feet in length by 50-feet in depth; however, it was observed to be approximately 274 feet by 60 feet.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $24,250

$750

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $750

Economic Benefit (EB) for this violation

Estimated EB Amount $45

Statutory Limit Test

Violation Final Penalty Total $675

This violation Final Assessed Penalty (adjusted for limits) $675

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
Media Municipal Solid Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	$1,000	24-Jan-2025	17-Dec-2025	0.90	$45	n/a	$45
Notes for DELAYED costs	Estimated delayed cost to maintain the size of the working face in accordance with the SOP. The Date Required is the investigation 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	$1,000				TOTAL	$45	

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a), 330.159, and 330.371(b), and MSW Permit No. 691, Landfill Gas Management Plan ("LGMP"), Section 4.0 - Landfill Gas Monitoring

Violation Description Failed to conduct methane monitoring around the permitted boundary. Specifically, the LGMP was not being followed, no handheld testing was being performed, and there were no methane monitoring probes installed at the Facility.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would 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 — 26 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One monthly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $224

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
Media Municipal Solid Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$5,000	24-Jan-2025	17-Dec-2025	0.90	$224	n/a	$224
Notes for DELAYED costs	Estimated delayed cost to implement a routine methane monitoring program in accordance with the Facility's LGMP. The Date Required is the investigation 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	$5,000				TOTAL		$224

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County		*Policy Revision 5 (January 28, 2021)*
Case ID No.	67429		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.503(b), and MSW Permit No. 691, Final Closure Plan, Section 5.0 - Financial Assurance

Violation Description Failed to provide financial assurance for closure, post-closure, and corrective action cost estimates.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	**Harm** Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10.0%

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

Adjustment $22,500

$2,500

Violation Events

Number of Violation Events: 1 — 26 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $2,500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $585

Statutory Limit Test

Violation Final Penalty Total $2,250

This violation Final Assessed Penalty (adjusted for limits) $2,250

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
Media Municipal Solid Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$4,961	24-Jan-2025	17-Dec-2025	0.90	$222	n/a	$222
Notes for DELAYED costs	Estimated delayed cost to obtain financial assurance for the closure, post closure, and corrective action cost estimates for the Facility. The Date Required is the investigation 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	$4,961	24-Jan-2025	19-Feb-2025	0.07	$10	$353	$363
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to obtain financial assurance for the closure, post closure, and corrective action cost estimates for the Facility. The Date Required is the investigation date, and the Final Date is the screening date.						

Approx. Cost of Compliance $5,314

TOTAL $585

Screening Date	19-Feb-2025	**Docket No.** 2025-0329-MSW-E	**PCW**
Respondent	Upton County	*Policy Revision 5 (January 28, 2021)*	
Case ID No.	67429	*PCW Revision February 11, 2021*	
Reg. Ent. Reference No.	RN102843687		
Media	Municipal Solid Waste		
Enf. Coordinator	Elizabeth Vanderwerken		

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.131, and MSW Permit No. 691, SOP, Section 10.0 - Access Control

Violation Description Failed to control access to the MSW facility. Specifically, the Respondent provided keys to a hospital, school, city, county, and two local contractors for uncontrolled access.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants that would 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 — 26 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One monthly event is recommended from the January 24, 2025 investigation date to the February 19, 2025 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent Upton County
Case ID No. 67429
Reg. Ent. Reference No. RN102843687
Media Municipal Solid Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$100	24-Jan-2025	17-Dec-2025	0.90	$4	n/a	$4
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 implement procedures to ensure the Facility controls access to prevent unauthorized vehicular traffic and illegal dumping at the Facility. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.						
Avoided Costs	**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	$100				TOTAL	$4	

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN600250930, RN102843687, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

Customer, Respondent, or Owner/Operator: CN600250930, Upton County **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102843687, Upton County Rankin Landfill **Classification:** HIGH **Rating:** 0.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1.5 miles North of Rankin on Highway 349, Rankin, Upton County, Texas

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):
MUNICIPAL SOLID WASTE DISPOSAL PERMIT 691

Compliance History Period: September 01, 2020 to August 31, 2025 **Rating Year:** 2025 **Rating Date:** 09/01/2025

Date Compliance History Report Prepared: October 08, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 08, 2020 to October 08, 2025

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

Name: Eresha DeSilva **Phone:** (512) 239-5084

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
UPTON COUNTY	**§**	
RN102843687	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2025-0329-MSW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Upton County (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a Type IV - Arid Exempt landfill located at 1.5 miles North of Rankin on Highway 349 in Rankin, Upton 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 $17,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $14,040 of the penalty and $3,510 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 timelier 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 January 24, 2025, an investigator documented that the Respondent:

1. Failed to employ at least one licensed individual who supervises or manages the operations of a MSW facility, in violation of 30 TEX. ADMIN. CODE §§ 30.213(a) and (b) and 330.121(a), and MSW Permit No. 691, Site Operating Plan ("SOP"), Section 4.0 - Landfill Personnel. Specifically, the Respondent did not employ a licensed Class B supervisor.

2. Failed to operate in accordance with the SOP concerning operational and applicable personnel training requirements, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.127(4), and MSW Permit No. 691, SOP, Section 7.1 - Training Requirements. Specifically, training was not conducted for Facility personnel.

3. Failed to maintain waste acceptance hours between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.135(a), and MSW Permit No. 691, SOP, Section 12.0 - Facility Operating Hours. Specifically, the sign posted at the Facility lists Saturday in the hours of operation, which was not included as an approved day of operation in the SOP.

4. Failed to install landfill markers to clearly mark significant features, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.143(b), and MSW Permit No. 691, SOP, Section 16.0 - Landfill Markers and Benchmark. Specifically, no benchmark or landfill markers were observed at the Facility.

5. Failed to provide timely and adequate landfill cover, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a), 330.165(b) and (c), and MSW Permit No. 691, SOP, Section 26.0 - Landfill Cover. Specifically, exposed waste was observed on the east side of the cell, and exposed brush was observed south of the working face without cover for more than 180 days.

6. Failed to maintain the size of the unloading area in accordance with the Facility's SOP, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.133(a), and MSW Permit No. 691, SOP, Section 11.0 - Unloading of Waste. Specifically, the SOP indicates that the unloading area will not exceed 100-feet in length by 50-feet in depth; however, it was observed to be approximately 274 feet by 60 feet.

7. Failed to conduct methane monitoring around the permitted boundary, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a), 330.159, and 330.371(b), and MSW Permit No. 691, Landfill Gas Management Plan ("LGMP"), Section 4.0 - Landfill Gas Monitoring. Specifically, the LGMP was not being followed, no handheld testing was being performed, and there were no methane monitoring probes installed at the Facility.

8. Failed to provide financial assurance for closure, post-closure, and corrective action cost estimates, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.503(b), and MSW Permit No. 691, Final Closure Plan, Section 5.0 - Financial Assurance.

9. Failed to control access to the MSW facility, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.131, and MSW Permit No. 691, SOP, Section 10.0 - Access Control. Specifically, the Respondent provided keys to a hospital, school, city, county, and two local contractors for uncontrolled access.

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: Upton County, Docket No. 2025-0329-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:

      i. Obtain a Class B license for one employee to supervise or manage the operations of the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 30.213 and 330.121, and MSW Permit No. 691, SOP, Section 4.0 - Landfill Personnel;

      ii. Implement training for all personnel and maintain personnel training records, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.127, and MSW Permit No. 691, SOP, Section 7.1 - Training Requirements;

      iii. Implement procedures to ensure the Facility operates within the hours specified in the approved SOP, in accordance with 30 TEX. ADMIN. CODE

§§ 330.121 and 330.135, and MSW Permit No. 691, SOP, Section 12.0 - Facility Operating Hours;

iv. Update the Facility signage to ensure the Facility operates within the hours specified in the approved SOP, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.135, and MSW Permit No. 691, SOP, Section 12.0 - Facility Operating Hours;

v. Install and maintain all required landfill markers and benchmark at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.143, and MSW Permit No. 691, SOP, Section 16.0 - Landfill Markers and Benchmark;

vi. Implement a process designed to ensure that the Facility provides adequate daily and intermediate cover for the landfill, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.165, and MSW Permit No. 691, SOP, Section 26.0 - Landfill Cover;

vii. Begin maintaining the size of the working face in accordance with the SOP, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.133, and MSW Permit No. 691, SOP, Section 11.0 - Unloading of Waste;

viii. Implement a routine methane monitoring program in accordance with the Facility's LGMP, in accordance with 30 TEX. ADMIN. CODE §§ 330.121, 330.159, and 330.371, and MSW Permit No. 691, LGMP, Section 4.0 - Landfill Gas Monitoring;

ix. Obtain financial assurance for the closure, post closure, and corrective action cost estimates for the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.503, and MSW Permit No. 691, Final Closure Plan, Section 5.0 - Financial Assurance; and

x. Implement procedures to ensure the Facility controls access to prevent unauthorized vehicular traffic and illegal dumping at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 330.121 and 330.131, and MSW Permit No. 691, SOP, Section 10.0 - Access Control.

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
Midland Regional Office
Texas Commission on Environmental Quality
10 Desta Drive, Suite 350E
Midland, Texas 79705

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
Kristie Mello-Jurack	03/29/2026
_____	_____
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.

_____	2·17·26
Signature	Date
Dusty Kilgore	County Judge
Name (Printed or typed)	Title
Authorized Representative of	
Upton County	

☐ *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.