

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2017

Mr. Burgess Stengle, Manager
Blue Ridge Landfill TX, LP
P.O. Box 879
Fresno, Texas 77545

Re: Proposed Agreed Order
Blue Ridge Landfill TX, LP; RN102610102
Docket No. 2016-1923-AIR-E; Enforcement Case No. 53555
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Stengle:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Blue Ridge Landfill TX, LP for violations of the Texas Health & Safety Code and/or Commission Rules. These violations were discovered during investigations conducted from May 4, 2016 through August 18, 2016 and from October 18, 2016 through November 10, 2016, and documented in letters dated October 21, 2016 and January 3, 2017 from the TCEQ Houston Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. **The order assesses an administrative penalty of \$43,712. We are proposing a one-time offer to defer \$8,742 of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed.** Therefore, the administrative penalty to be paid is **\$34,970.** The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save Blue Ridge Landfill TX, LP and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Mr. Burgess Stengle
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Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Blue Ridge Landfill TX, LP, Docket No. 2016-1923-AIR-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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

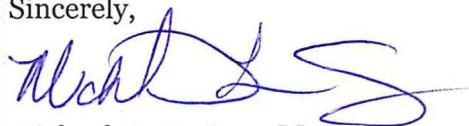
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

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For any questions or comments about this matter or to arrange a meeting, please contact Mr. David Carney of my staff at (512) 239-2583.

Sincerely,



Michael De La Cruz, Manager
Enforcement Division
Texas Commission on Environmental Quality

MD/dc

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site Compliance History

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bcc: Manager, Air Section, Houston Regional Office
Mr. David Carney, Coordinator, Enforcement Division, MC 149
Central Records, MC 213, Building E, 1st Floor
AIR CP_102610102_CP_20170207_ Enforcement
Enforcement Division Electronic Reader File

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BLUE RIDGE LANDFILL TX, LP
RN102610102**

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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-1923-AIR-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 Blue Ridge Landfill TX, LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a landfill located at 2200 Farm-to-Market Road 521 in Fresno, Fort Bend County, Texas (the "Site"). 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 ch. 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 \$43,712 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$34,970 of the penalty and \$8,742 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. By May 31, 2016, modified sump systems so that vent lines from condensate sumps are routed back into the sump system; and
 - b. By October 3, 2016, installed covers on the leachate tanks and solidification pits.

II. ALLEGATIONS

1. During an investigation conducted from May 4, 2016 through August 18, 2016, an investigator documented that the Respondent failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, during odor surveys conducted off-site, TCEQ staff detected very strong and highly offensive landfill gas/honeysuckle odors on May 4, 2016, May 5, 2016, June 6, 2016, and June 7, 2016; strong and highly offensive landfill gas/honeysuckle odors on May 23, 2016 and May 24, 2016; and moderate and highly offensive landfill gas/honeysuckle odors on June 23, 2016 coming from the Site. TCEQ staff experienced nausea due to the odors on May 4, 2016, May 23, 2016, June 7, 2016, and June 23, 2016. Based on the weekly frequency of the odors detected, TCEQ staff documented an odor nuisance on May 24, 2016 and June 23, 2016.
2. During an investigation conducted from October 18, 2016 through November 10, 2016, an investigator documented that the Respondent failed to monitor surface concentrations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.756(f), Federal Operating Permit No. O1472/Municipal Solid Waste Landfill General Operating Permit No. 517, Permit Tables (c)(20) and (c)(41), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, TCEQ staff performed surface concentration monitoring of the Site and determined that the surface concentration monitoring was not performed in accordance with 40 CFR Part 60, Subpart WWW for the quarterly periods from January 1, 2015 through June 30, 2016.

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 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: Blue Ridge Landfill TX, LP, Docket No. 2016-1923-AIR-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, conduct monitoring of Site operations, in accordance with 40 CFR § 60.756;
 - b. Within 30 days after the effective date of this Order, submit a plan to (i) the Air Section Manager of the TCEQ Houston Regional Office and (ii) the TCEQ Order Compliance Team at the respective addresses listed in Ordering Provision No. 2.d, setting forth industry best management practices designed to prevent the emission of odors from all potential sources at the Site (the "Plan"). The Plan shall, at a minimum, include an implementation schedule with milestones, all relevant standard operating procedures, and maintenance practices designed to:
 - i. Minimize odors from, but not limited to:
 1. All inactive and active areas at the Site, including the landfill cover;
 2. Storage tanks, including the leachate tanks;
 3. Solidification pits;
 4. Leachate collection and management system; and
 5. Landfill Gas Collection and Control System.

- ii. Monitor for, detect, and respond to potential off-site nuisance odors, including at a minimum:
 - 1. Procedures for conducting 24-hour odor surveillance at the property line and at off-site locations containing potential receptors;
 - 2. Procedures for investigating and timely mitigating odors detected at the property line;
 - 3. Procedures for receiving and documenting reports of odors detected off-site from the public;
 - 4. Procedures for responding promptly to odor complaints including corrective actions to mitigate odor impacts; and
 - 5. Maintaining records of all activities relating to off-site odor impacts, including property line and off-site surveillance, odor reports received from the public, investigative activities to identify the odor source, and all corrective actions taken to mitigate the odor.
- iii. Comply with the surface emissions monitoring requirements in accordance with 40 CFR Part 60, Subpart WWW by, but not limited to,:
 - 1. Developing and implementing detailed written procedures for monitoring surface concentrations. These procedures shall include a description of how surface concentrations will be measured along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitoring equipment and shall describe proper probe placement within five to ten centimeters of the ground;
 - 2. Procedures for ensuring and documenting that 40 CFR Part 60, Appendix A, Method 21 (as modified by Subpart WWW) is followed, including proper calibration of monitoring equipment prior to commencing a surface monitoring activity and use of proper calibration gases;
 - 3. Developing and implementing a Quality Assurance Project Plan; and
 - 4. Notifying the TCEQ Houston Regional Office at least 72 hours in advance of each quarterly monitoring event.
- iv. Maintain detailed records of the activities performed to comply with the Plan.

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information and/or or modification made by the Executive Director concerning the Plan within 14 days after the date of such request, or by any other deadline specified in writing;
- d. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j to demonstrate compliance with Ordering Provision No. 2.a;
- e. Upon Executive Director approval of the Plan, begin implementing all provisions of the approved Plan, in accordance with the approved schedule;
- f. Within 60 days after Executive Director approval of the Plan, submit an administratively complete permit modification application to incorporate the approved Plan into the Part IV – Site Operating Plan, Operating Procedures, 4.10 Air Quality and Odor Management Plan in Municipal Solid Waste Permit No. 1505A to:

Waste Permits Division, MC 126
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- g. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit modification application within 30 days after the date of such request, or by any other deadline specified in writing;
- h. Within 75 days after Executive Director approval of the Plan, submit written certification as described in Ordering Provision No. 2.j to demonstrate compliance with Ordering Provision No. 2.f;
- i. Within 30 days after completion of the approved Plan implementation, submit written certification as described in Ordering Provision No. 2.j to demonstrate compliance with Ordering Provision No. 2.e; and
- j. Within 240 days after Executive Director approval of the Plan, submit written certification that the permit modification has been obtained, and include detailed supporting documentation including photographs, receipts, and/or other records. 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:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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 Site operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

Signature

Date

Name (Printed or typed)
Authorized Representative of
Blue Ridge Landfill TX, LP

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned PCW	9-Jan-2017	Screening	13-Jan-2017	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Blue Ridge Landfill TX, LP
Reg. Ent. Ref. No.	RN102610102
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	53555	No. of Violations	2
Docket No.	2016-1923-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$37,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **4.0%** Adjustment **Subtotals 2, 3, & 7** **\$1,500**

Notes: Enhancement for two NOV with dissimilar violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

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

Total EB Amounts	\$6,328
Estimated Cost of Compliance	\$30,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$39,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE **12.1%** Adjustment **\$4,712**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount **\$43,712**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$43,712**

DEFERRAL **20.0%** Reduction Adjustment **-\$8,742**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$34,970**

Screening Date 13-Jan-2017

Docket No. 2016-1923-AIR-E

PCW

Respondent Blue Ridge Landfill TX, LP

Policy Revision 4 (April 2014)

Case ID No. 53555

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102610102

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOV with dissimilar violations.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 4%

Screening Date 13-Jan-2017
Respondent Blue Ridge Landfill TX, LP
Case ID No. 53555

Docket No. 2016-1923-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102610102
Media [Statute] Air
Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description

Failed to prevent nuisance odor conditions. Specifically, during odor surveys conducted off-site, TCEQ staff detected very strong and highly offensive landfill gas/honeysuckle odors on May 4, 2016, May 5, 2016, June 6, 2016, and June 7, 2016; strong and highly offensive landfill gas/honeysuckle odors on May 23, 2016 and May 24, 2016; and moderate and highly offensive landfill gas/honeysuckle odors on June 23, 2016 coming from the Site. TCEQ staff experienced nausea due to the odors on May 4, 2016, May 23, 2016, June 7, 2016, and June 23, 2016. Based on the weekly frequency of the odors detected, TCEQ staff documented an odor nuisance on May 24, 2016 and June 23, 2016.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,589

Violation Final Penalty Total \$17,485

This violation Final Assessed Penalty (adjusted for limits) \$17,485

Economic Benefit Worksheet

Respondent Blue Ridge Landfill TX, LP
Case ID No. 53555
Reg. Ent. Reference No. RN102610102
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	4-May-2016	3-Oct-2016	0.42	\$1	\$28	\$29
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	4-May-2016	31-May-2016	0.07	\$0	\$5	\$5
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)	\$25,000	4-May-2016	1-Aug-2017	1.24	\$1,555	n/a	\$1,555

Notes for DELAYED costs

Estimated delayed cost to install covers on the leachate tanks and solidification pits (completed by October 3, 2016), to modify sump systems so that vent lines from condensate sumps are routed back into the sump system (completed by May 31, 2016), and to implement measures and/or procedures to minimize odors from the Site. The Dates Required are the initial date of non-compliance and the Final Dates are the dates that installation and modification were completed and the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$27,000

TOTAL

\$1,589

Screening Date 13-Jan-2017
Respondent Blue Ridge Landfill TX, LP
Case ID No. 53555

Docket No. 2016-1923-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102610102

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.756(f), Federal Operating Permit No. O1472/General Operating Permit No. 517, Permit Tables (c)(20) and (c)(41), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to monitor surface concentrations. Specifically, TCEQ staff performed surface concentration monitoring of the Site and determined that the Respondent did not perform surface concentration monitoring in accordance with 40 CFR Part 60, Subpart WWW for the quarterly periods from January 1, 2015 through June 30, 2016.

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 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 \$21,250

\$3,750

Violation Events

Number of Violation Events 6

546 **Number of violation days**

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended for the period of non-compliance from January 1, 2015 through June 30, 2016.

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 \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,739

Violation Final Penalty Total \$26,227

This violation Final Assessed Penalty (adjusted for limits) \$26,227

Economic Benefit Worksheet

Respondent Blue Ridge Landfill TX, LP
Case ID No. 53555
Reg. Ent. Reference No. RN102610102
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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)	\$500	1-Jul-2016	1-Aug-2017	1.08	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to monitor surface concentration. The Date Required is the first day the quarterly monitoring could have been conducted and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] 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	\$3,000	1-Jan-2015	30-Jun-2016	1.50	\$224	\$4,488	\$4,712
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to monitor surface concentrations (\$500/quarter x 6 missed quarters). The Date Required is the first day that quarterly monitoring could have been conducted and the Final Date is the last day that quarterly monitoring could have been conducted.

Approx. Cost of Compliance

\$3,500

TOTAL

\$4,739



Compliance History Report

Compliance History Report for CN602820599, RN102610102, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN602820599, Blue Ridge Landfill TX, LP	Classification:	SATISFACTORY	Rating:	0.74
Regulated Entity:	RN102610102, Blue Ridge Landfill	Classification:	SATISFACTORY	Rating:	0.74
Complexity Points:	17	Repeat Violator:	NO		
CH Group:	07 - Solid Waste Landfills				
Location:	2200 FARM-TO-MARKET ROAD 521, FRESNO, TEXAS 77545-8214, FORT BEND COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):		
AIR OPERATING PERMITS ACCOUNT NUMBER FG0536E		AIR OPERATING PERMITS PERMIT 1472
PETROLEUM STORAGE TANK REGISTRATION 64950		MUNICIPAL SOLID WASTE DISPOSAL PERMIT 1505A
AIR NEW SOURCE PERMITS AFS NUM 4815700111		AIR NEW SOURCE PERMITS ACCOUNT NUMBER FG0536E
AIR NEW SOURCE PERMITS REGISTRATION 81004		STORMWATER PERMIT TXR05S302
AIR EMISSIONS INVENTORY ACCOUNT NUMBER FG0536E		INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 89429

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: January 13, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 13, 2012 to January 13, 2017

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

Name: David Carney **Phone:** (512) 239-2583

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

Item 1	May 25, 2012	(1007279)
Item 2	May 30, 2012	(1007976)
Item 3	January 02, 2013	(1046037)
Item 4	June 26, 2013	(1073497)
Item 5	March 28, 2014	(1078436)
Item 6	April 02, 2014	(1140418)
Item 7	May 14, 2014	(1152628)
Item 8	August 21, 2015	(1222441)

