

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 9, 2020

Mr. Robert C. Cox, General 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. 2019-1184-AIR-E; Enforcement Case No. 57942  
**FOR SETTLEMENT PURPOSES ONLY**

Dear Mr. Cox:

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 April 30, 2018 through July 6, 2018, from May 9, 2018 through October 10, 2018, on April 26, 2019, from July 11, 2019 through July 14, 2019, on August 28, 2019, and on September 7, 2019 and documented in letters dated October 12, 2018, July 18, 2019, September 18, 2019, and November 4, 2019, 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 \$183,055. We are proposing a one-time offer to defer \$36,611 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 \$146,444. 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 San Antonio 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.

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. 2019-1184-AIR-E) to:

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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.

Mr. Robert C. Cox  
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For any questions or comments about this matter or to arrange a meeting, please contact Ms. Carol McGrath of my staff at (210) 403-4063.

Sincerely,

*Carol McGrath FOR*

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

MD/cm

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

# 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. 2019-1184-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 \$183,055 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$146,444 of the penalty and \$36,611 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 on January 18, 2019, the Respondent submitted the Individual Monitoring Exceedance that occurred on May 4, 2018 and was missing from the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60 Subpart WWW semiannual report for the December 5, 2017 through June 4, 2018 reporting period.

## II. ALLEGATIONS

1. During an investigation conducted from April 30, 2018 through July 6, 2018, an investigator documented that the Respondent:
  - a. Failed to include all of the required information in the 40 CFR Part 60 Subpart WWW annual report, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.615(10), and 122.143(4), 40 CFR § 60.757(f)(5), Standard Permit Registration No. 81004, Federal Operating Permit ("FOP") No. O1472/General Operating Permit ("GOP") No. 517, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not provide the location and the concentration recorded for one exceedance of the methane concentration limit of 500 parts per million ("ppm") in the 40 CFR Part 60 Subpart WWW semiannual report for the December 5, 2017 through June 4, 2018 reporting period.
  - b. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operated properly during normal facility operations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.615(9), and 122.143(4), 40 CFR § 60.11(d), Standard Permit Registration No. 81004, FOP No. O1472/GOP No. 517 Site-wide Requirements (b)(29)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the gas collection and control system ("GCCS") in good working order and operating properly based on the failure to operate the collection system below 500 ppm for the methane concentration at the surface of the landfill.
  - c. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1472/GOP No. 517 Site-wide Requirements (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the December 5, 2017 through June 4, 2018

reporting period did not include the deviation for the failure to operate the collection system below 500 ppm for the methane concentration at the surface of the landfill.

2. During an investigation conducted from May 9, 2018 through October 10, 2018, 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, TCEQ staff conducted off-site odor surveys at the complainants' sites or equal distance on April 25, 2018, May 9, 2018, and May 15, 2018; detected strong and offensive landfill garbage/sour rotten odors; and experienced stinging sensations in their nasal passages on May 15, 2018 that resulted in the documentation of nuisance odor conditions. Also, TCEQ staff conducted off-site odor surveys at the complainants' sites or equal distance on May 16, 2018 and May 17, 2018 and detected strong and offensive garbage odors that resulted in the documentation of nuisance odor conditions.
3. During an investigation conducted on April 26, 2019, 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, TCEQ staff conducted off-site odor surveys at the complainants' sites or equal distance on April 26, 2019; detected very strong and highly offensive sour, garbage, and rotting food odors; and experienced nausea and gagging that resulted in the documentation of nuisance odor conditions.
4. During an investigation conducted from July 11, 2019 through July 14, 2019, 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, TCEQ staff conducted off-site odor surveys at the complainants' sites or equal distance on July 11, 2019 and July 14, 2019; detected very light to strong and highly offensive putrefying and rancid landfill odors; and experienced mild nausea during the odor survey conducted on July 11, 2019 that resulted in the documentation of nuisance odor conditions.
5. During investigations conducted on August 28, 2019 and on September 7, 2019, investigators 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, TCEQ staff conducted off-site odor surveys at the complainants' sites or equal distance on August 28, 2019 and September 7, 2019; detected very light to moderate and unpleasant rotten eggs and garbage odors on August 28, 2019; and detected strong and highly offensive landfill gas, leachate, and rotten egg odors on September 7, 2019 that resulted in the documentation of nuisance odor conditions.



### 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: Blue Ridge Landfill TX, LP, Docket No. 2019-1184-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. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Submit a revised deviation report for the December 5, 2017 through June 4, 2018 reporting period to report the deviation for failing to operate the collection system below 500 ppm for the methane concentration at the surface of the landfill.
    - ii. Retain a Qualified Auditor to prepare a landfill report ("Blue Ridge Landfill Report"). The Qualified Auditor shall:
      - (1) Be an independent third party;
      - (2) Not be employed by the Respondent;
      - (3) Not have been employed within five years prior to the effective date of this Order by the Respondent, Republic Services, Inc., and/or Republic Waste Services of Texas, Ltd; and
      - (4) Be a recognized expert in landfill operations, landfill design, and landfill regulatory requirements.
    - iii. Implement and begin conducting monitoring, repair, and recordkeeping protocols for the intermediate and final cover areas. The Respondent shall comply with this ordering provision until the monitoring, repair, and recordkeeping protocols for the intermediate and final cover areas are

incorporated into Municipal Solid Waste Permit No. 1505A. The Respondent shall:

- (1) Conduct audio, visual, and olfactory observations on a bi-monthly basis that assess the integrity of the intermediate and final cover areas. The time between the twice per month observations shall be at least ten calendar days, but not more than 20 calendar days. The observations shall be conducted while walking around the entire perimeter of the landfill and along a pattern that traverses the landfill at 30 feet intervals.
  - (2) Repair any surface cover areas that are leaking liquid or landfill gas within five calendar days of detection.
  - (3) Re-conduct audio, visual, and olfactory observations of any detected leak within ten calendar days of detection. If leaking liquid and/or landfill gas is again detected, additional corrective actions shall be taken and audio, visual, and olfactory observations shall again be conducted at the location within ten calendar days of the second occurrence.
  - (4) Maintain records of all observations and repair activities. Records of observations and repair activities shall include the date and time of the observation, date and time of the repair, operator identification, a map showing the routes taken during the observations and the locations of the area where the leaking liquid and/or landfill gas was detected, description of the repair activities completed for each area, and photographs of each area at the time of the observation and at the time repair is completed.
- iv. Implement and begin conducting identification, monitoring, repair, and recordkeeping protocols for the GCCS components and landfill penetrations. The Respondent shall comply with this ordering provision until the identification, monitoring, repair, and recordkeeping protocols for the GCCS components and landfill penetrations are incorporated into Municipal Solid Waste Permit No. 1505A. The Respondent shall:
- (1) Identify and tag all GCCS components and any infrastructure that penetrates the surface cover of the landfill, including but not limited to gas collection wells, leachate risers, etc. (collectively "landfill penetrations"). Each GCCS component and landfill penetration shall be given a unique numeric or alphanumeric identifier. The unique identifier shall be documented on a tag which shall be physically attached to each GCCS component and landfill penetration. The Respondent shall maintain a list for each GCCS component and land penetration that contains the unique identifier, current operational status, date added, date removed, and notes.



- (2) Monitor all GCCS components and landfill penetrations at least monthly with an instrument that meets the equipment specifications and calibration requirements (including Instrument Performance Evaluation, Response Factor, Calibration Precision, Response Time, and Instrument Calibration) of Method 21 for monitoring fugitive emissions. Time between the monthly monitoring activities shall be at least 20 calendar days, but not more than 45 calendar days, and shall occur at least once during each calendar month.
  - (3) Determine the background concentration by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 100 feet from the perimeter wells.
  - (4) Repair the GCCS components and/or landfill penetrations that have a methane concentration reading of 500 ppm or more above the background concentration within ten calendar days of detecting the exceedance.
  - (5) Re-monitor the GCCS components and/or landfill penetrations within ten calendar days of detecting the exceedance to verify that the GCCS components and landfill penetrations are emitting a methane concentration of less than 500 ppm above the background concentration.
  - (6) If the re-monitoring of the GCCS components and/or landfill penetrations shows a second exceedance, additional repairs shall be taken and the GCCS components and landfill penetrations shall be monitored again within ten calendar days of the second exceedance. If the re-monitoring shows a third exceedance for the same GCCS component and/or landfill penetration, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance.
  - (7) Maintain records of all monitoring and repair activities. Records of monitoring and repair activities shall include the identification of each GCCS component and/or landfill penetration, test methods, upwind concentration, downwind concentration, background concentration, each calibration run, maximum screening concentration detected, the date and time of the monitoring, date and time of the repair, operator identification, instrument identification, calibration gas concentrations, calibration gas certification dates, a map showing the locations of the monitoring, description of the repair activities completed for each area, and photographs of each area at the time of the observation and at the time repair is completed.
- v. Use an electronic device that records data with a built-in or external instrument or sensor during all monitoring activities as required by

Ordering Provision Nos. 2.a.iii and 2.a.iv and transfer all electronic data from the electronic datalogging device to an electronic or hard copy database within seven calendar days of the monitoring activity. The Respondent shall comply with this ordering provision until the recordkeeping requirements are incorporated into Municipal Solid Waste Permit No. 1505A. Records of each monitoring activity shall be maintained for at least five years from the date of the monitoring activity and be made available in a reviewable format at the request of TCEQ or any air pollution control program having jurisdiction. The data for all monitoring activities shall be maintained in the Landfill Operating Record.

- vi. Record in the 40 CFR Part 60 Subpart WWW annual report the global position system coordinates, field marker description, and a location identifier for each of the individual exceedance locations discovered during surface emissions monitoring or emissions monitoring activities that are conducted as required by 40 CFR Part 60 Subpart WWW, the odor control plan, and this Order until this ordering provision is incorporated into Municipal Solid Waste Permit No. 1505A.
- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a and to inform the TCEQ of the Qualified Auditor's selection, as described in Ordering Provision No. 2.p. The certification shall provide a copy of the Qualified Auditor's resume, curriculum vitae, or equivalent.
- c. Within 60 days after the effective date of this Order, submit an administratively complete permit modification application to incorporate Ordering Provision Nos. 2.a.iii through 2.a.vi into the Part IV – Site Operating 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
- d. Within 75 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.c, as described in Ordering Provision No. 2.p.
- e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit modification application for Municipal Solid Waste Permit No. 1505A within 30 days after the date of such request, or by any other deadline specified in writing.
- f. The Respondent may replace the Qualified Auditor for good cause by providing notice to the TCEQ seven days prior to replacing the Qualified Auditor. The notice shall state the reason for the replacement and describe the new Qualified

Auditor's qualifications, in accordance with Ordering Provision No. 2.a.ii, to perform the audit and produce the Blue Ridge Landfill Report.

- g. Within 180 days after the effective date of this Order, submit for TCEQ review and approval the completed Blue Ridge Landfill Report, as described in Ordering Provision No. 2.p. The Blue Ridge Landfill Report shall include the evaluation, recommended corrective actions, and proposed implementation plan and schedule in order to minimize odors from the Site and to prevent the occurrence of a nuisance. The evaluation, recommended corrective actions, and proposed implementation plan and schedule shall be based on good engineering and operational practices and shall address, but not be limited to, the following:
- i. The working face requirements, including size, exposed area, frequency of cover application, type of cover, depth of cover, and compaction rate;
  - ii. Odor impact from truck entrance and truck queueing activities;
  - iii. The odor control plan currently incorporated in Municipal Solid Waste Permit No. 1505A, records and documents generated as required by the odor control plan, effectiveness of the odor control plan, and evaluation of the corrective actions implemented in response to odors that were detected;
  - iv. Perched water in the landfill, management of ponded water, quantity of water including percolation rate and fate and transport through the landfill, implementation of stormwater Best Management Practices, and impact on effectiveness of the GCCS and leachate collection system from water and leachate;
  - v. The rate of landfill gas production and the rate of installation of gas collection wells;
  - vi. The presence of emissions from the surface of the landfill that are detectable through audio, visible, and olfactory observations and inspections;
  - vii. The efficacy of the corrective actions already implemented in response to repairs made after conducting surface emissions monitoring;
  - viii. A list of additional corrective actions, if any, based on good engineering and operational practices, necessary to minimize odors from the Site and to prevent the occurrence of a nuisance; and
  - ix. Other items, if any, deemed necessary, based on good engineering and operational practices, at the sole independent discretion of the Qualified Auditor.

Corrective actions that do not require TCEQ approval or authorization shall be implemented without delay and within 90 days of the submittal of the Blue Ridge

Landfill Report. Corrective actions, such as application of cover, grading of landfill, etc., that can be addressed during the Qualified Auditor's assessment shall be completed immediately. Corrective actions requiring TCEQ approval or authorization should be addressed in the implementation plan and schedule and subsequent status reports.

The evaluation required by Ordering Provision No. 2.g shall include a review of, at a minimum, the items identified above that occurred at least five years prior to the effective date of this Order.

- h. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the Blue Ridge Landfill Report within 30 days after the date of such request, or by any other deadline specified in writing.
- i. TCEQ may approve or approve with modifications the corrective actions and/or implementation plan and schedule ("Implementation Plan").
- j. Within 30 days after Executive Director approval of the Blue Ridge Landfill Report, begin implementation of all corrective actions in accordance with the approved Implementation Plan.
- k. Within 45 days after Executive Director approval of the Implementation Plan, submit written certification to demonstrate compliance with Ordering Provision No. 2.j, as described in Ordering Provision No. 2.p.
- l. Within 90 days after Executive Director approval of the Implementation Plan and quarterly thereafter on March 31, June 30, September 30, and December 31, submit written status reports discussing the progress in implementing the corrective actions in the Implementation Plan.
- m. Within 60 days after the implementation of all corrective actions in the Implementation Plan and no later than two years after the effective date of this Order, submit a final status report certifying that all corrective actions in the Implementation Plan have been implemented and include any supporting documentation as necessary to demonstrate the implementation.
- n. Within 75 days after the implementation of all corrective actions identified in the Implementation Plan and no later than two years and 15 days after the effective of this Order or 15 days after the last deadline in the Implementation Plan, whichever is later, submit written certification to demonstrate compliance with Ordering Provision No. 2.m, as described in Ordering Provision No. 2.p.
- o. Within 240 days after the effective date of this Order, submit written certification to demonstrate that the permit modification for Municipal Solid Waste Permit No. 1505A has been obtained, as described in Ordering Provision No. 2.p.
- p. All certifications, reports, plans, schedules, submittals, specifications, and other documentation required to be submitted shall include detailed supporting documentation including photographs, receipts, and/or other records to

demonstrate compliance. 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. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. This Order does not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Respondent or the Site.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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:*

