

**Executive Summary – Enforcement Matter – Case No. 48715**  
**BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service**  
**RN103120523**  
**Docket No. 2014-0757-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM - MSW, WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Brunson Pump Service, located at 15605 Horizon Boulevard, El Paso, El Paso County

**Type of Operation:**

Sludge transporting business

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 28, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,001

**Amount Deferred for Expedited Settlement:** \$1,800

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$1,201

**Total Due to General Revenue:** \$6,000

Payment Plan: 12 payments of \$500 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 20, 2014

**Date(s) of NOE(s):** May 2, 2014

**Executive Summary – Enforcement Matter – Case No. 48715**  
**BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service**  
**RN103120523**  
**Docket No. 2014-0757-MLM-E**

***Violation Information***

1. Failed to maintain a temperature of 45 degrees Fahrenheit or less for putrescible or biohazardous untreated medical waste that has been stored for more than 72 hours after initial receipt from the generator and failed to ensure that sludge stored in a mobile closed container is stored for less than four days from the date of collection. Specifically, manifests dated February 11 and 25, 2014, indicated that a mixture of medical waste and sludge was stored in an inoperable truck for more than 30 days [30 TEX. ADMIN. CODE §§ 330.1209(b), 330.1211(c)(2)(F), and 312.147(a)].
2. Failed to obtain registration prior to transporting untreated medical waste at least 60 days prior to commencing operation. Specifically, a review of the February 11 and February 25, 2014 waste manifests indicated approximately 3,000 gallons of untreated medical waste were transported without a registration [30 TEX. ADMIN. CODE § 330.9(a) and (l)(1)].
3. Failed to maintain complete trip tickets. Specifically, signature of the representative acknowledging receipt of the waste, amount of waste received, and the correct volume of waste collected were not correctly documented on Trip Ticket Nos. 4540 through 4544, 4549, 4551, 4552, 4556, and 4557 [30 TEX. ADMIN. CODE § 312.145(a)(7) and (a)(8)].
4. Failed to update sludge transporter registration. Specifically, a vehicle used to transport waste did not have a registration sticker [30 TEX. ADMIN. CODE § 312.142(c)].
5. Failed to store waste by a method and under conditions that prevent runoff and protect the quality of the surface water and ground water. Specifically, the openings on the top of the storage tank at the Facility were not properly covered or capped [30 TEX. ADMIN. CODE § 312.147(b)(5)].
6. Failed to prevent the discharge of municipal solid waste into or adjacent to any water in the state. Specifically, several spills had occurred as a result of emptying the transport trucks; a broken valve on a truck caused several spills on the north property boundary; and spills of cleaning chemicals used to wash portable restrooms occurred on the south and west property boundaries [TEX. WATER CODE § 26.121(a)(1)].
7. Failed to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site. Specifically, an unauthorized tank was used to store waste at the Facility [30 TEX. ADMIN. CODE § 312.147(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

**Executive Summary – Enforcement Matter – Case No. 48715**  
**BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service**  
**RN103120523**  
**Docket No. 2014-0757-MLM-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By April 8, 2014, obtained authorization to temporarily store waste at a fixed or permanent site; and
- b. By April 9, 2014, cleaned the affected areas, removed and properly disposed of the discharged waste and contaminated soil at an authorized facility.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately:
  - i. Cease transporting untreated medical waste until the proper transporter registration is obtained; and
  - ii. Properly dispose of the untreated medical waste from the mobile closed container.
- b. Within 15 days, submit written certification of compliance with Ordering Provision a.
- c. Within 30 days:
  - i. Update operational procedures and conduct employee training to ensure that trip tickets and manifests are properly filled out including signatures of representatives acknowledging the receipt of the waste and the amount of waste received and the correct volume of waste collected;
  - ii. Update operational procedures and conduct employee training to ensure that waste stored in a mobile closed container is stored for less than four days from the date of collection;
  - iii. Update the current sludge transporter registration to include all active vehicles used for sludge transportation; and
  - iv. Properly cover the openings on the storage container located at the Facility to prevent overspills.
- d. Within 45 days, submit written certification of compliance with Ordering Provision c.

**Executive Summary – Enforcement Matter – Case No. 48715  
BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
RN103120523  
Docket No. 2014-0757-MLM-E**

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Had Darling, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Deering Brunson, Owner, BRUNSON'S INVESTMENT, LLC, 15605  
Horizon Boulevard, El Paso, Texas 79928

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	5-May-2014	<b>Screening</b>	15-May-2014	<b>EPA Due</b>	
	<b>PCW</b>	22-Sep-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service	
<b>Reg. Ent. Ref. No.</b>	RN103120523	
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48715	<b>No. of Violations</b>	7
<b>Docket No.</b>	2014-0757-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality and Sludge	<b>Enf. Coordinator</b>	Heather Brister
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$9,625
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------------------	--------------------------------	-----

Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$624
--	-------------------	--------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts \$71  
Approx. Cost of Compliance \$2,360  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,001
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$9,001
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,001
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,800
-----------------	-----------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,201
------------------------	---------

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

BRUNSON'S INVESTMENT, LLC dba Brunson

Respondent Pump Service

Case ID No. 48715

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
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%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 330.1209(b), 330.1211(c)(2)(F), and 312.147(a)

## Violation Description

Failed to maintain a temperature of 45 degrees Fahrenheit or less for putrescible or biohazardous untreated medical waste that has been stored for more than 72 hours after initial receipt from the generator and failed to ensure that sludge stored in a mobile closed container is stored for less than four days from the date of collection, as documented during an investigation conducted on March 20, 2014. Specifically, manifests dated February 11 and 25, 2014, indicated that a mixture of medical waste and sludge was stored in an inoperable truck for more than 30 days.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

## &gt;&gt; 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 which 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

56 Number of violation days

mark only one with an x	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 NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

## Economic Benefit Worksheet

**Respondent** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### 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	\$250	20-Mar-2014	31-Jan-2015	0.87	\$11	n/a	\$11
Remediation/Disposal	\$650	20-Mar-2014	31-Jan-2015	0.87	\$28	n/a	\$28
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of the untreated medical waste and to update operational procedures and conduct employee training to ensure that untreated medical waste stored for more than 72 hours is kept at a storage temperature of 45 degrees Fahrenheit or less and to ensure waste stored in a mobile closed container is stored for less than four days from the date of collection. Date required is the investigation date and final date is the expected 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

\$900

**TOTAL**

\$39



Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 330.9(a) and (l)(1)

Violation Description

Failed to obtain registration prior to transporting untreated medical waste at least 60 days prior to commencing operation, as documented during an investigation conducted on March 20, 2014. Specifically, a review of the February 11 and February 25, 2014 waste manifests indicated approximately 3,000 gallons of untreated medical waste were transported without a registration.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 2

56 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two monthly events are recommended from the investigation date (March 20, 2014) to the screening date (May 15, 2014).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

## Economic Benefit Worksheet

**Respondent** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### 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	\$250	11-Feb-2014	31-Jan-2015	0.97	\$12	n/a	\$12
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization to transport untreated medical waste. Date required is the manifest date and final date is the expected 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

\$250

**TOTAL**

\$12

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 312.145(a)(7) and (a)(8)

Violation Description

Failed to maintain complete trip tickets, as documented during an investigation conducted on March 20, 2014. Specifically, signature of the representative acknowledging receipt of the waste, amount of waste received, and the correct volume of waste collected were not correctly documented on Trip Ticket Nos. 4540 through 4544, 4549, 4551, 4552, 4556, and 4557.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 75% of the rule requirements were met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 10

56 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

Ten single events are recommended, one for each trip ticket.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

## Economic Benefit Worksheet

**Respondent** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
No commas or \$							

### 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	\$250	20-Mar-2014	31-Jan-2015	0.87	\$11	n/a	\$11
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures and conduct employee training to ensure that trip tickets are properly filled out. Date required is the investigation date and final date is the expected 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

\$250

**TOTAL**

\$11

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 312.142(c)

Violation Description

Failed to update sludge transporter registration, as documented during an investigation conducted on March 20, 2014. Specifically, a vehicle used to transport waste did not have a registration sticker.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes

At least 50% of the rule requirement was not met.

Adjustment \$24,375

\$625

## Violation Events

Number of Violation Events 1

56 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$625

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$625

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

## Economic Benefit Worksheet

**Respondent** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### 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	\$10	20-Mar-2014	31-Jan-2015	0.87	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update sludge transporter registration to include all active vehicles used for transporting sludge. Date required is the investigation date and final date is the expected 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

\$10

**TOTAL**

\$0

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 312.147(b)(5)

Violation Description

Failed to store waste by a method and under conditions that prevent runoff and protect the quality of the surface water and ground water, as documented during an investigation conducted on March 20, 2014. Specifically, the openings on the top of the storage tank at the Facility were not properly covered or capped.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

## &gt;&gt; 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 which 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

56 Number of violation days

mark only one  
with an x

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 NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750



## Economic Benefit Worksheet

**Respondent:** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### 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)	\$150	20-Mar-2014	31-Jan-2015	0.87	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to cover or cap the holes at the top of the storage container located at the Facility. Date required is the investigation date and final date is the expected 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

\$150

**TOTAL**

\$7



Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 6

Rule Cite(s)

Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the discharge of municipal solid waste into or adjacent to any water in the state, as documented during an investigation conducted on March 20, 2014. Specifically, several spills had occurred as a result of emptying the transport trucks; a broken valve on a truck caused several spills on the north property boundary; and spills of cleaning chemicals used to wash portable restrooms occurred on the south and west property boundaries.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do 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

20 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (March 20, 2014) to the compliance date (April 9, 2014).

## Good Faith Efforts to Comply

25.0% Reduction

\$312

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance on April 9, 2014.

Violation Subtotal \$938

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

## Economic Benefit Worksheet

**Respondent** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.** 48715  
**Reg. Ent. Reference No.** RN103120523  
**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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### 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	\$650	20-Mar-2014	9-Apr-2014	0.05	\$2	n/a	\$2
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean the affected areas and properly dispose of the discharged waste and contaminated soil at an authorized facility. Date required is the investigation date and final date is the 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

\$650

**TOTAL**

\$2

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

PCW

Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

Policy Revision 4 (April 2014)

Case ID No. 48715

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 312.147(b)

Violation Description

Failed to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site, as documented during an investigation conducted on March 20, 2014. Specifically, an unauthorized tank was used to store waste at the Facility.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release

Major

Harm  
Moderate

Minor

Actual

Potential

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent 5.0%

Matrix  
Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

19 Number of violation days

mark only one  
with an x

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty \$1,250

One monthly event is recommended from the investigation date (March 20, 2014) to the compliance date (April 8, 2014).

## Good Faith Efforts to Comply

25.0%

Reduction

\$312

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x	
	(mark with x)

Notes

The Respondent achieved compliance on April 8, 2014.

Violation Subtotal \$938

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

## Economic Benefit Worksheet

**Respondent:** BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service  
**Case ID No.:** 48715  
**Reg. Ent. Reference No.:** RN103120523  
**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	Onetime Costs	EB Amount
No commas or \$							

### 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	\$150	20-Mar-2014	8-Apr-2014	0.05	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization to temporarily store waste at a fixed or permanent site. Date required is the investigation date and final date is the 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	\$150	<b>TOTAL</b>	\$0
----------------------------	-------	--------------	-----

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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN601654817, RN103120523, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN601654817, BRUNSON'S INVESTMENT, LLC **Classification:** SATISFACTORY **Rating:** 1.33

**Regulated Entity:** RN103120523, BRUNSON PUMP SERVICE **Classification:** SATISFACTORY **Rating:** 2.67

**Complexity Points:** 2 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 15605 HORIZON BLVD., EL PASO, EL PASO COUNTY, TEXAS

**TCEQ Region:** REGION 06 - EL PASO

**ID Number(s):** SLUDGE REGISTRATION 22673

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** June 24, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 24, 2009 to June 24, 2014

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

**Name:** Heather Brister

**Phone:** (817) 588-5825

### 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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

### 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	October 05, 2010	(858291)
Item 2	August 09, 2012	(1019483)

**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

**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

IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BRUNSON'S INVESTMENT, LLC  
DBA BRUNSON PUMP SERVICE  
RN103120523

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

**AGREED ORDER**  
**DOCKET NO. 2014-0757-MLM-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a sludge transporting business located at 15605 Horizon Boulevard in El Paso, El Paso County, Texas (the "Facility").
2. The Respondent has discharged municipal solid waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 7, 2014.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Nine Thousand One Dollars (\$9,001) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred One Dollars (\$1,201) of the administrative penalty and One Thousand Eight Hundred Dollars (\$1,800) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Dollars (\$6,000) of the administrative penalty shall be payable will be paid in 12 monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

8. 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.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By April 8, 2014, obtained authorization to temporarily store waste at a fixed or permanent site; and
  - b. By April 9, 2014, cleaned the affected areas, removed and properly disposed of the discharged waste and contaminated soil at an authorized facility.
10. 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).
11. 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 Agreed Order.
12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain a temperature of 45 degrees Fahrenheit or less for putrescible or biohazardous untreated medical waste that has been stored for more than 72 hours after initial receipt from the generator and failed to ensure that sludge stored in a mobile closed container is stored for less than four days from the date of collection, in violation of 30 TEX. ADMIN. CODE §§ 330.1209(b), 330.1211(c)(2)(F), and 312.147(a), as documented during an investigation conducted on March 20, 2014. Specifically, manifests dated February 11 and 25, 2014, indicated that a mixture of medical waste and sludge was stored in an inoperable truck for more than 30 days.
2. Failed to obtain registration prior to transporting untreated medical waste at least 60 days prior to commencing operation, in violation of 30 TEX. ADMIN. CODE § 330.9(a) and 330.9(l)(1), as documented during an investigation conducted on March 20, 2014. Specifically, a review of the February 11 and February 25, 2014 waste manifests indicated approximately 3,000 gallons of untreated medical waste were transported without a registration.
3. Failed to maintain complete trip tickets, in violation of 30 TEX. ADMIN. CODE § 312.145(a)(7) and (a)(8), as documented during an investigation conducted on March 20, 2014. Specifically, signature of the representative acknowledging receipt of the waste, amount of waste received, and the correct volume of waste collected were not correctly documented on Trip Ticket Nos. 4540 through 4544, 4549, 4551, 4552, 4556, and 4557.
4. Failed to update sludge transporter registration, in violation of 30 TEX. ADMIN. CODE § 312.142(c), as documented during an investigation conducted on March 20, 2014. Specifically, a vehicle used to transport waste did not have a registration sticker.
5. Failed to store waste by a method and under conditions that prevent runoff and protect the quality of the surface water and ground water, in violation of 30 TEX. ADMIN. CODE § 312.147(b)(5), as documented during an investigation conducted on March 20, 2014. Specifically, the openings on the top of the storage tank at the Facility were not properly covered or capped.
6. Failed to prevent the discharge of municipal solid waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on March 20, 2014. Specifically, several spills had occurred as a result of emptying the transport trucks; a broken valve on a truck caused several spills on the north property boundary; and spills of cleaning chemicals used to wash portable restrooms occurred on the south and west property boundaries.
7. Failed to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site, in violation of 30 TEX. ADMIN. CODE § 312.147(b), as documented during an investigation conducted on March 20, 2014. Specifically, an unauthorized tank was used to store waste at the Facility.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service, Docket No. 2014-0757-MLM-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:
    - i. Cease transporting untreated medical waste until the proper transporter registration is obtained, in accordance with 30 TEX. ADMIN. CODE § 330.9(l)(1); and
    - ii. Properly dispose of the untreated medical waste from the mobile closed container, in accordance with 30 TEX. ADMIN. CODE § 330.9.
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i and 2.a.ii, in accordance with Ordering Provision No. 2.e below.
  - c. Within 30 days after the effective date of this Agreed Order:
    - i. Update operational procedures and conduct employee training to ensure that trip tickets and manifests are properly filled out including signatures of representatives acknowledging the receipt of the waste and the amount of waste received and the correct volume of waste collected, in accordance with 30 TEX. ADMIN. CODE § 312.145(a);
    - ii. Update operational procedures and conduct employee training to ensure that waste stored in a mobile closed container is stored for less than four

days from the date of collection, in accordance with 30 TEX. ADMIN. CODE § 312.147(a);

- iii. Update the current sludge transporter registration to include all active vehicles used for sludge transportation; and
- iv. Properly cover the openings on the storage container located at the Facility to prevent overfills.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.c.i through 2.c.iv, in accordance with Ordering Provision No. 2.e below.
- e. The certifications of compliance required by Ordering Provisions Nos. 2.b and 2.d, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"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:

Waste and Water Section Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed 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 Agreed 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.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
6. This Agreed 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 Agreed 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 Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Ramon M. Brown*  
For the Executive Director

1/7/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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]*  
Signature

8-17-15  
Date

Deeans Brunson  
Name (Printed or typed)  
Authorized Representative of  
BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service

owner  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.