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

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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 (1)(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.

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Docket No. 2014-0757-MLM-E

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEO 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) Assigned 5-May-2014 PCW 22-Sep-2014 Screening 15-May-2014 EPA Due RESPONDENT/FACILITY INFORMATION Respondent BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service Reg. Ent. Ref. No. RN103120523 Major/Minor Source Minor Facility/Site Region 6-El Paso CASE INFORMATION Enf./Case ID No. 48715 No. of Violations Docket No. 2014-0757-MLM-E Order Type 1660 Media Program(s) Municipal Solid Waste Government/Non-Profit No Enf. Coordinator Heather Brister Multi-Media Water Quality and Sludge EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$9,625 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. 0.0% Enhancement Subtotals 2, 3, & 7 \$0 Compliance History No adjustment for compliance history. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$624 Subtotal 6 \$0 Economic Benefit 0.0% Enhancement* *Capped at the Total EB \$ Amount Total EB Amounts \$71 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$9,001 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$9,001

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

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

Deferral offered for expedited settlement.

Final Assessed Penalty

Reduction Adjustment

20.0%

\$9,001

-\$1,800

\$7,201

Screening Date 15-May-2014

Docket No. 2014-0757-MLM-E

BRUNSON'S INVESTMENT, LLC dba Brunson

Respondent Pump Service

Case ID No. 48715

Reg. Ent. Reference No. RN103120523

Media [Statute] Municipal Solid Waste

Enf. Coordinator Heather Brister

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

omponent	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	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%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audic	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%
		ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	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%
eat Violator (Adjustment Per	rcentage (Sub	total 2)
No	Adjustment Per	rcentage (Sub	total 3)
pliance Histo	ory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Subi	total 7)
pliance Histo	ory Summary		
Compliance History Notes	No adjustment for compliance history.		

Final Adjustment Percentage *capped at 100%

	ing Date 15-May-2014	DOCKET NO. 2014-0757-MLM-E	PCW
	pondent BRUNSON'S INVESTMENT, e ID No. 48715	, LLC doa Brunson Pump Service	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
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	Statute] Municipal Solid Waste		
For all parties a parties are an investment of the contract of	rdinator Heather Brister		
Violati	n Number 1		
1940	ile Cite(s) 30 Tex. Admin. Code	§§ 330.1209(b), 330.1211(c)(2)(F), and 312.14	7(a)
Violation	blohazardous untreated hours after initial receipt fi escription in a mobile closed cont collection, as documente Specifically, manifests dat	erature of 45 degrees Fahrenheit or less for putre i medical waste that has been stored for more the rom the generator and failed to ensure that sludgainer is stored for less than four days from the day during an investigation conducted on March 20, sed February 11 and 25, 2014, indicated that a mi was stored in an inoperable truck for more than	an 72 le stored lete of , 2014. ixture of
A CAMP CARCING MAIN	Learning to the second second	Base	Penalty \$25,000
>> Environment	l, Property and Human Healt	h Matrix	
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OR	Release Major Moderate	Minor	THE PROPERTY OF THE PARTY OF TH
' '	Actual Potential	Percent 3.0%	
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>>Programmati	Matrix alsification Major Moderate	e Minor	mental troy to
	Sincatori Major Proderate	Percent 0.0%	- Percention
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	nich would not exceed levels that are p	r could be exposed to insignificant amounts of pol protective of human health or environmental recep- esult of the violation.	
		Adjustment	\$24,250
4			\$750
Violation Events			
		TO Number of violation de	
Andrew Constitution	Number of Violation Events 1	56 Number of violation da	ys
And the second s	dally lanes and		
arcentakon w	weekly		:
	ark only one quarterly	Violation Base I	Penalty \$750
energy .	semiannual		•
	annual single event x		all register and
	Tamilane skinter (<u> </u>	COOPER - A
	One singl	e event is recommended.	
Good Faith Effor	s to Comply 0.09	% Reduction	\$0
en name e e e e e e e e e e e e e e e e e e	Before NOV	************************************	T -
The state of the s	Extraordinary		rigrycoloham
and the state of t	Ordinary N/A X	(mark with x)	Acquest sales
		ndent does not meet the good faith criteria for	*** Committee of the co
	Notes	this violation.	horiyes payar
	Understand distribute angle	Violation Su	ıbtotal \$750
	/con/eali_;;:='_kt_2	Statutory Limit T	
Economic peyet	(EB) for this violation		
	Estimated EB Amount	\$39 Violation Final Penalty	y Total \$750
	This vi	olation Final Assessed Penalty (adjusted for	limits) \$750

	E	conomic	Benefit	Wo	rksheet		
Respondent							Sanda karangan sa
Case ID No.	48715						
eg. Ent. Reference No.	RN103120523						
Media	Municipal Solid	d Waste					Years of
Violation No.	1					Percent Interest	Depreciation
				MARKA		5.0	15
	Yeam Cast	Date Required	Final Date	Vva	Interest Saved	manacentamentalesses establish	EB Amount
			rillal Date		mieresi saveu	Onetime costs	CO MITOUR
Item Description	No commas or 5						
Delayed Costs							
Equipment		Y	ř –––	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)			manus a company	0.00	\$0	\$0	\$0
Engineering/Construction			alita arre	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	r/a	\$28
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		J		0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	kept at a s closed co	torage temperatu ntainer is stored Investigatio	re of 45 degrees for less than fou n date and final	Faren r days date is	heit or less and to from the date of c the expected date	stored for more the ensure waste store ollection. Date reque of compliance. for one-time avoice	d in a mobile pired is the
Avoided Costs Disposal				0.00	\$0	\$0	\$0
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pection/Reporting/Sampling				0.00	\$0	\$0	
spection/keporting/Samoling	 		I consider the second control of				\$0
			11	0.00	\$0	\$0	\$0 \$0
Supplies/Equipment Financial Assurance [2]				0.00	\$0	\$0	
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Supplies/Equipment Financial Assurance [2]				0.00	\$0	\$0	\$0 \$0
Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0

Screening Date		PCW
		olicy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.		W Revision March 26, 2014
	Municipal Solid Waste	·
Enf. Coordinator		- scannon-
Violation Number	2 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 leas 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 Penal	ty \$25,000
>> Environmental. Proper	ty and Human Health Matrix	- ugo emojogo
	Harm	ten detuurus.
Release OR Actual	Major Moderate Minor	and the second
OR Actual Potential	Percent 0.0%	and the control of th
, ocarnia.	1 0100M 0.070	continue
>>Programmatic Matrix		
Falsification	Major Moderate Minor	1
	Percent 5.0%	D1 (140)
Martin Film		
Matrix Notes	100% of the rule requirements were not met.	
notes		
	Adjustment \$23,7	50
		+1 250
		\$1,250
Violation Events		
3	/iolation Events 2	1
THE PROPERTY OF THE PROPERTY O		
mark only one with an x	daily weekly monthly quarterly semiannual arinual strigle event	\$2,500
Two mont	nly events are recommended from the investigation date (March 20, 2014) to the screening date (May 15, 2014).	
Good Faith Efforts to Com	ply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	***************************************
and the second s	Extraordinary	100
	Ordinary	100
The state of the s	N/A x ((mark with x)	
·	Notes The Respondent does not meet the good faith criteria for this violation.	-
	Violation Subtot	\$2,500
Economic Benefit (EB) for	this violation Statutory Limit Test	
	ed EB Amount \$12 Violation Final Penalty Tota	\$2,500
100	6,00,000-0,00-0,000-0,	
	This violation Final Assessed Penalty (adjusted for limits	\$2,500

	BRUNSON'S IN	conomic	\$P\$	ing kelabahan dele	andigatien eine ganne all der Albeit des Anders		
Case ID No.		***********	abo branson ra	mp oci	*****		
a. Ent. Reference No.							
Media	Municipal Solic	l Waste				Percent Interest	Years of
Violation No.	2					Leicent Tiffelegr	Depreciation
						5.0	1
	Trem Cost	Date Required	Final Date	Yre	Interest Saved	Onetime Costs	EB Amount
Item Description							
neni Description	NO Cominas or 3			R14815054440			
Delayed Costs				sugall			
Equipment		T		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		T	11161 11761117 1117 1 1 1 1 1 1 1 1 1 1	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
						minimetry. Theta room	strad in the
Notes for DELAYED costs Avoided Costs Disposal Personnel		manifest (date and final da	ite is th	ne expected date of	cal waste. Date requ of compliance. for one-time avoid \$0 \$0	
Avoided Costs Disposal Personnel		manifest (date and final da	nte is tr e nterir 0.00	ne expected date or ng item (except \$0	of compliance. for one-time avoid \$0	led costs) \$0
Avoided Costs Disposal Personnel		manifest (date and final da	enteria 0.00 0.00 0.00 0.00	ne expected date of the second	of compliance. for one-time avoid \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling		manifest (date and final da	enterir 0.00 0.00 0.00 0.00 0.00	ne expected date of the second	of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ed costs)
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment		manifest (date and final da	enteria 0.00 0.00 0.00 0.00 0.00 0.00	ne expected date of the second	of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]		manifest (date and final da	enterir 0.00 0.00 0.00 0.00 0.00	ne expected date of the second	of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ed costs)
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]		manifest (date and final da	enteria 0.00 0.00 0.00 0.00 0.00 0.00	ne expected date of the second	of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

S	creening Date		PCW
	Respondent Case ID No.	•	Policy Revision 4 (April 2014) CW Revision March 26, 2014
Rea. Ent.	Reference No.		CW REVISION PIBLOT 20, 2014
М	edia [Statute]	Municipal Solid Waste	
	f. Coordinator		200
'	iolation Number/ Rule Cite(s)	80 3 3 2 2 2 2 3 3 1 1 2 1 2 1 2 1 2 2 2 2	
		30 Tex. Admin. Code § 312.145(a)(7) and (a)(8)	
Viol	ation 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. 45 through 4544, 4549, 4551,4552, 4556, and 4557.	No remains
		Base Pena	lty \$25,000
>> Environ	mental, Proper	ty and Human Health Matrix	
	Release	Harm Major Moderate Minor	
OR	Actual	MANAGEMENT OF THE RESIDENCE PARTY OF THE PAR	
	Potential	Percent 0.0%	
>>Program	matic Matrix		
	Falsification	Major Moderate Minor X Percent 1.0%	
		Control of the second of the s	
Mat	rix		
Not	1 0000 MIDROR BRANCH	At least 75% of the rule requirements were met.	
			السند
		Adjustment \$24,	<u>'50</u>]
ette rationer för			\$250
Violation Ev	rents		
end for applythings.	Number of	violation Events 10 56 Number of violation days	Substitution of the second of
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the first state of the state of		weekly	19111111
7711, (100), (100)	mark only one with an x	monthly Uiolation Base Pena semiannual	\$2,500
0.000 (m. 1994)		annual x x	TO A THE STATE OF
e-splittaning consession			2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
deres especially and the second		Ten single events are recommended, one for each trip ticket.	
Good Faith	Efforts to Com	oly 0.0% Reduction	\$0
anakuranya.		Before NOV NOV to EDPRP/Settlement Offer Extraordinary	7.
		Ordinary Raise Rai	ANDER DE LOS
Program Areas		N/A x (mark with x)	200
A Direct Constitution of the Constitution of t		Notes The Respondent does not meet the good faith criteria for this violation.	musanion
· .		Violation Subto	tal \$2,500
Francois D	enefit (EB) for	this violation Statutory Limit Test	
LCONUMIC D		0.75513 F F F F F F F F F F F F F F F F F F F	:al \$2,500
	Estimat		
		This violation Final Assessed Penalty (adjusted for limit	

	E/	conomic	Benefit	Wo	rksheet		
	ii.	VESTMENT, LLC	dba Brunson Pu	mp Se	rvice	કો કુલાકું જો કે નામના વર્ષ વર્ષ વર્ષ કરવા છે. 	electronical desirability and a construction of the construction o
Case ID No.							
eg. Ent. Reference No.							
	Municipal Solid	l Waste				Percent Interest	Years of
Violation No.	3		and the supplemental section of the section of the				Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
rtein Mearithriwii	Halfornings of 4	\$5444 (F. 1111)	PROPERTY (ACCOUNTS NAME OF THE STATE OF THE S	# 050## \$#\$4.05	yttisegt sengetskiltergebottister e		
Delayed Costs		Maria de la companione de		51111555931			
Delayeu COSIS Equipment	T			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	Self Floring Hills		makirile. Humi	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)		<u> </u>		0.00	\$0	n/a l	\$0
Notes for DELAYED costs				an cond		training to ensure t	
				compl	ance.	nal date is the expe	cted date of
Avoided Costs	ANNUAL			compl	ance.	nal date is the expe for one-time avoid	cted date of
Avoided Costs	ANNUAL			compli e nterl i 0.00	ance. ng item (except \$0	or one-time avoid	cted date of
CENTRAL CONTRACTOR CON	ÄNNUAL		costs before	compl enterii 0.00 0.00	ance. ng item (except: \$0 \$0	for one-time avoid \$0 \$0	tted date of led costs) \$0 \$0
Disposal Personnel			costs before	compl e nteri i 0.00 0.00 0.00	ance. ng Item (except: \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0	tted date of led costs) \$0 \$0 \$0 \$0
Disposal Personnel			costs before	compl 0.00 0.00 0.00 0.00	ance, ng Item (except) \$0 \$0 \$0 \$0	or one-time avoic \$0 \$0 \$0 \$0 \$0	ted date of
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance.	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance.	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0
Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			costs before	compl 0.00 0.00 0.00 0.00 0.00	ance. **s0 **50 **50 **50 **50 **50 **50	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 s0 s0 s0 s0 s0 s0 s0

		ening Date			PCW
		lespondent Case ID No.	BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service		Revision 4 (April 2014)
Req.		erence No.		rcw k	evision March 26, 2014
	Medi	a [Statute]	Municipal Solid Waste		
		Coordinator			
	Viola	ation Number Rule Cite(s)	[22] H. (14] (14] (22] (15]		
		reare erectory	30 Tex. Admin. Code § 312.142(c)		
			Failed to update sludge transporter registration, as docume	atad dadaa bu	
	Violatio	n Description	investigation conducted on March 20, 2014. Specifically, a vehic		
			waste did not have a registration sticker.		
			Berneteller Biller 1984 (1985) - Steiffer St. Heirer (1985) - Electric St. Heirer (1985)		
				Base Penalty	\$25,000
SS Env	iranma	ntal Droner	y and Human Health Matrix		1
- •			Harm	ATTERNATION TO THE REAL PROPERTY OF THE REAL PROPER	4
or		Release	Major Moderate Minor		
Un		Actual Potential	Percent	0.0%	1
>>Prog	jr a mma	rtic Matrix Falsification	Major Moderate Minor		
		raisincation	Percent	2.5%	11 12 12 12 12 12 12 12 12 12 12 12 12 1
					S O STATE OF
	Matrix				2124
	Notes		At least 50% of the rule requirement was not met.		- Adhana an an
				الصنيفينين	are contract
			Adjustment	\$24,375	
Table 1				Г	\$625

Violatio	on Even	ts			POTATO
***		Number of \	iolation Events 1 56 Number of	violation days	
					Militar all Nova
			daily seekly 2000		lla conclusive
Date of the same o			monthly		э
and a constant		mark only one with an x		ition Base Penalty	\$625
C Million Constraints			semlannual anniual		THE OF THE PERSON OF THE PERSO
			single event x		
to the second					000
			One single event is recommended.		
in the state of th					1000
(02250) 58499(880)	000000000000000000000000000000000000000				
Good F	aith Eff	orts to Com	DIV 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	L	\$0
and the same of th			Extraordinary		A TOP TO THE TOP TO TH
			Ordinary See See See See See See See See See Se		al-control of
			N/A X (mark with x)	1	war and a few an
			Notes The Respondent does not meet the good faith crit	terla for	Table 1
			this violation.		and the state of t
				Violation Subtotal	\$625
Econor	nic Ben	efit (EB) for	this violation Statutor	y Limit Test	
				inal Penalty Total	\$63 E
To a second seco		Estimat			\$625
			This violation Final Assessed Penalty (ad		\$625
	muuliidiii				

	E	conomic	Benefit	Wo	rksheet		
Respondent	et er til statt att fra stattet fra statt att att att att att att att att	NVESTMENT, LLC	1975 : 1974 : 1974 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976 : 1976	an haaran naar s	nannan 1866 an am an 1866 an 1	Sed Backetter a east a territorist (1154-545)	PRA PERSECULACI INTERPESAD VERIODES
Case ID No.	48715	,		•			
leg. Ent. Reference No.	RN103120523	3					
	Municipal Solid						Years of
Violation No.	•					Percent Interest	Depreciation
violation no.				ana an		F.0	
	Item Cost	Date Required	Final Date		Tatavast Cauad	5.0 Onetime Costs	15 EB Amount
			rinai pare	113	Anterest Saveu	Olletime costs	LU AMOUNT
Item Description	No commas or \$						
er er ent er rettetteren e <u>n ber</u> e begockliger andt l <u>e</u> ttere bilde sich	SSACES PRESIDENTE PROPERTIES	nako eterritaria a satti republikasi di delipuk		144494949494	3(85)978588403908929999388929		id 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Delayed Costs					r	1	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	<u>\$0</u>	\$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 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs	\$10	20-Mar-2014	31-Jan-2015	0.87	\$0 \$0		\$0 \$0
Other (as needed)	310	1 SOSMOI-SOTA	standilarora	0.00	\$0 \$0	n/e n/a	\$0
Notes for DELAYED costs	sludge.	Date required is ti	ne investigation	date a	nd final date is the	ctive vehicles used for expected date of controls.	ompliance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0
Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				1 0.00	.	1301	3V
Notes for AVOIDED costs							
		rel Pale rel III. I I I I I I I I I I I I I I I I I		dia no de d	-1:10:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:		

Screening Date		PCW
Case ID No. Reg. Ent. Reference No.	48715 PCI RN103120523 Municipal Solid Waste	licy Revision 4 (April 2014) N Revision March 26, 2014
Violation Number	MANAS 5 millionia	
Rule Cite(s)	30 Tex. Admin. Code § 312.147(b)(5)	Name of the Control o
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 a 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 Penali	y \$25,000
>> Environmental, Prope	rty and Human Health Matrix	· ·
Release		The state of the s
OR Actua Potentia		A Paris
>>Programmatic Matrix		ional Differential Principles
Falsification	Major Moderate Minor Percent 0.0%	10 vales certains
essessessesses Matrix ()	th or the environment will or could be exposed to insignificant amounts of pollutants not exceed levels that are protective of human health or environmental receptors as	8
inglighter in	result of the violation.	
	Adjustment \$24,25	0
		\$750
Violation Events		
Number of	Violation Events 56 Number of violation days	·
	dality	delysideselyn per
mark only one	monthly 1990 200	
mark only one with an x	quarterly Violation Base Penalt semiannual	y \$750
	annual single event x	PURITURE
	One single event is recommended.	
Good Faith Efforts to Con		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	Trenarestruto
	Ordinary N/A X (mark with x)	i de la companya de l
	Notes The Respondent does not meet the good faith criteria for this violation.	**************************************
	Violation Subtota	\$750
Economic Benefit (EB) fo		
	ted EB Amount \$7 Violation Final Penalty Tota	\$750
LSUMA	This violation Final Assessed Penalty (adjusted for limits	
		4730

	E	conomic	Benefit '	Wo	rksheet		
		NVESTMENT, LLC	dba Brunson Pu	np Sei	vice	***************************************	************************************
Case ID No.	48715						
Reg. Ent. Reference No.	RN103120523					che vakovatoraja varatorio kalendario de la composito de la co	
Media	Municipal Solid	d Waste				Percent Interest	Years of
Violation No.	5					r crecit anterest	Depreciation
						5.0	15
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
ACIII Description	no connings or p						
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		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	20-Mar-2014	71-19U-5012	0.87	\$7	l n/a l	\$7
Notes for DELAYED costs	re	quired is the inve	stigation date ar	nd final	date is the expec	ainer located at the ted date of compliar	ice.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel		4		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0 \$0
Supplies/Equipment		 		0.00	\$0 \$0	\$0	\$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		-		0.00	\$n	\$0	\$0
other (as needed)							
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$150			TOTAL		\$7

	Date 15-May-2014 Docket No. 2014-0757-MLM-E	PCW
[6] [6] [6] [6] [6] [6] [6] [6] [6] [6]		Policy Revision 4 (April 2014)
		PCW Revision March 26, 2014
Reg. Ent. Referenc		
소문이는 사람들은 상태를 보다 그 동생님은 경우 기계의 기계를 받았다.	tute] Municipal Solid Waste	
Ent. Coordi Violation N	nator Heather Brister	averyrade
Ruic	Tex. Water Code § 26.121(a)(1)	
Violation Desc	ription Failed to prevent the discharge of municipal solid waste into or adjacent to an water in the state, as documented during an investigation conducted on March 2014. Specifically, several spills had occurred as a result of emptying the transptrucks; 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.	20, oort
	Base Pena	alty \$25,000
	A CONTRACTOR OF SECTION	NO TENNESSE DE LA CONTRACTOR DE LA CONTR
>> Environmental, I	Property and Human Health Matrix Harm	
R	telease Major Moderate Minor	
OR	Actual	
P	Potential Percent 5.0%	A Conse
>>Programmatic Ma		· ·
Falsif	fication Major Moderate Minor Percent 0.0%	. areas
	The plant of the property of the plant of th	7
Huma	n health or the environment has been exposed to insignificant amounts of pollutants which	n do
Matrix not ex	ceed levels that are protective of human health or environmental receptors as a result of	the
Notes	violation.	
<u> </u>		750
	Adjustment \$23,	750]
		\$1,250
		tradition to the state of the s
Violation Events		
Nive	mber of Violation Events 1 20 Number of violation days	
Nui	Tiber of violation Events	
	only one h an x semiarnual annual an	alty \$1,250
	single event	2000 to 1 to 1
(1
	One quarterly event is recommended from the investigation date (March 20, 2014) to the	
	compliance date (April 9, 2014).	
المستنف		
Good Faith Efforts t	o Comply 25.0% Reduction	\$312
	Before NOV NOV to EDPRP/Settlement Offer	
**************************************	Extraordinary	·
	Ordinary and Arman and Arm	The state of the s
	N/A (mark with x)	To Control of the Con
	Notes The Respondent achieved compliance on April 9, 2014.	
Necodia	Violation Subto	otal \$938
Economic Repetit (EB) for this violation Statutory Limit Tesl	
3-1-1-0-1-0-1-0-1-0-1-0-1-0-1-0-1-0-1-0-		
MALouton	Estimated EB Amount \$2 Violation Final Penalty To	
	This violation Final Assessed Penalty (adjusted for lim	its) \$938

Respondent Case ID No.	BRUNSON'S IN	CONOMIC	DENNE SECRETARIOUS CODOLL CARACTERIST		THE STATE OF STATE OF THE STATE		
eg. Ent. Reference No. Media	RN103120523 Municipal Solid					Percent Interest	Years of Depreciation
Violation No.	6					5.0	1757: 18- 1 531:359:36 58 665 645 7 \$ 7 (
	Thom Cost	Date Required	Einal Dato	Vva	Interest Saved	Onetime Costs	15 EB Amount
Item Description	and and transport than the contribution		i mai Dato		Anto Oscolio		
Delaved Costs				60.00			
Equipment	11. (10.11.11)			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	101.111.111.131			0.00	\$0	n/a	\$0
Other (as needed)			erazioni sulta minua.	0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	soil at a	n authorized facili	y. Date requir	ed is th compl	e investigation da lance.	lischarged waste and te and final date is t for one-time avoid	he date of
	r			0.00	\$0	\$0	\$0
Disposal Personnel		+	 	0.00	\$0 \$0	\$0 \$0	\$0
		-		0.00	\$0	\$0	\$0
spection/Reporting/Sampling Supplies/Equipment		-		0.00	\$0	\$0	\$0
Financial Assurance [2]	-	1		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs				4. X.X.X			
Approx. Cost of Compliance		\$650]		TOTAL		\$2

Screening Date		PCW
kesponaent Case ID No.	•	licy Revision 4 (April 2014) W Revision March 26, 2014
Reg. Ent. Reference No.		N Kevision Flared 20, 2011
	Municipal Solid Waste	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 312.147(b)	
		and the second s
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 sto waste at the Facility.	1
	Base Penal	ty \$25,000
>> Environmental, Prope	ty and Human Health Matrix	nesiak-khovens
	Harm	ingelitations.
Release OR Actual	[- Andrews
Potential		u promonente de la companya de la co
440004185000018543000000000000000000000000000000000000		
>>Programmatic Matrix	Major Moderate Minor	, and a second
Falsification	Major Moderate Minor X Percent 5.0%	
Landing the state of the state	31070	
		100
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$23,7	501
MATERIAL PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPE		\$1,250
Violation Events		
Number of	Violation Events 1 19 Number of violation days	E E E
an every	daily	
	weekly	***************************************
mark only one with an x	monthly x Violation Base Penal semiannual annual single event	ty \$1,250
One mo	nthly event is recommended from the investigation date (March 20, 2014) to the compliance date (April 8, 2014).	The state of the s
Good Faith Efforts to Con	101v 25.0% Reduction	\$312
	Before NOV NOV to EDPRP/Settlement Offer	****
	Extraordinary	
T Anna di Anna	Ordinary X	
THE PROPERTY OF THE PROPERTY O	N/A (mark with x)	
	Notes The Respondent achieved compliance on April 8, 2014.	Transferritory Control of the Contro
4.00	Violation Subtot	al \$938
\$199988 4839884444 500 Majala walio o aki o aki		
Economic Benefit (EB) fo	r this violation Statutory Limit Test	
Estima	ted EB Amount \$0 Violation Final Penalty Tot	al \$938
	This violation Final Assessed Penalty (adjusted for limit	s) \$938
		1,200

	E	conomic	Benefit	Wo	rksheet		
Respondent	BRUNSON'S II	NVESTMENT, LLC	dba Brunson Pu	ımp Se	rvice		
Case ID No.							
Reg. Ent. Reference No.	RN103120523	1					
	Municipal Solid					Dausant Tatassat	Years of
Violation No.	7		4.5			Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
		ndar and consensions a superior of a standard of		race (840464)	rrana sasasa sasasa sasasa sa sa da falikiri	541.00000555555566666666666666666666666666	No Militario del Area Como de Composi
Delayed Costs				7		,	
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		<u> </u>		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)		السسسسا		0.00	\$0	n/a l	\$0
Notes for DELAYED costs		required is the	investigation d	ate and	final date is the d	a fixed or permanen ate of compliance.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	led costs)
Disposal	engina nusara			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 I	\$0
Notes for AVOIDED costs							



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, CN601654817, BRUNSON'S INVESTMENT, LLC Classification: SATISFACTORY Rating: 1.33

or Owner/Operator:

Regulated Entity: RN103120523, BRUNSON PUMP Classification: SATISFACTORY

SERVICE

Complexity Points:

2

Repeat Violator: NO

CH Group:

14 - Other

Location:

15605 HORIZON BLVD., EL PASO, EL PASO COUNTY, TEXAS

TCEO Region:

REGION 06 - EL PASO

ID Number(s):

SLUDGE REGISTRATION 22673

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Date: 09/01/2013 Rating Year: 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)?

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:

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

H. Voluntary on-site compliance assessment dates:

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BRUNSON'S INVESTMENT, LLC	§	
DBA BRUNSON PUMP SERVICE	§	
RN103120523	§	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") consi	idered this agreement of the parties, resolving an enforcement
action regarding BRUNSON'S I	NVESTMENT, LLC dba Brunson Pump Service ("Respondent")
under the authority of TEX. HEA	ALTH & 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.

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).
- 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.
- 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.
- 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 if 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 overspills.
- 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.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. 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.

BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service DOCKET NO. 2014-0757-MLM-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	1/7/16 Date
- SEED IN THE ALLACTICAL WEIGHT FULL THE DEPOSIT	d the attached Agreed Order. I am authorized to of the entity indicated below my signature, and therein. I further acknowledge that the TCEQ, is materially relying on such representation.
 A negative impact on compliance histor Greater scrutiny of any permit applicate Referral of this case to the Attorney additional penalties, and/or attorney feed increased penalties in any future enforced and TCEO seeking other relief as authorized 	cy; ions submitted; General's Office for contempt, injunctive relief ses, or to a collection agency; cement actions; neral's Office of any future enforcement actions;
Signature	8-17-15 Date
Name (Printed or typed) Authorized Representative of BRUNSON'S INVESTMENT, LLC dba Brunson	Title Pump Service
Instructions: Send the original, signed Agreed Orde	r with penalty payment to the Financial Administration he address in Section IV, Paragraph 1 of this Agreed Order.