



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Sludge/Medical Waste/Enforcement: Texas Commission on Environmental Quality Agreed Order Addressing El Paso, Texas Facility Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

02/05/2016

The Texas Commission on Environmental Quality ("TECQ") entered into an Agreed Order ("AO") that resolves alleged violations by Brunson's Investment, LLC d/b/a Brunson Pump Service ("Brunson"). See Docket No. 2014-0757-MLM-E.

Brunson is stated to own and operate a sludge transporting business located in El Paso, Texas ("Facility").

Municipal solid waste is stated to be handled at the Facility.

The alleged violations cited by the AO which include:

- Failure 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 failure to ensure the sludge stored in a mobile closed container is closed for less than 4 days from the date of collection.
- Failure to obtain registration prior to transporting untreated medical waste at least 60 days prior to cleansing operation.
- Failure to maintain complete trip tickets.
- Failure to update sludge transportation registration.
- Failure to store waste by methods and under conditions that prevent runoff and protect the quality of the surface water and ground water.
- Failure to prevent the discharge of municipal solid waste into or adjacent to any water in the state.
- Failure to obtain written approval from the Executive Director prior to temporarily storing waste at a fixed or permanent site.

Brunson denies these alleged violations.

The AO notes that Brunson has implemented corrective measures which include:

- Obtain authorizations to temporarily store waste at a fixed or permanent site.
- Clean the affected areas, removed and properly disposed of the discharged waste and contaminated soil in an authorized facility.

The AO assesses a civil penalty of \$9,001 and requires that certain actions be taken pursuant to a schedule in regards to appropriate transportation registration, disposal of untreated medical waste, employee training, and prevention spills.

[Click here to download a copy of the AO.](#)