



# CUSTOM INDIVIDUAL SEP APPLICATION

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OFFICE OF  
LEGAL SERVICES  
512.239.0600  
olsadmin@tceq.state.tx.us

## RESPONDENT INFORMATION

TCEQ Docket No. 2009-1834-PST-E		Date: January 13, 2010	
Name of Applicant: <i>Legal Name of Applicant or Organization</i> Collin County			
Name of the Facility: Collin County Service Center			
Mailing Address: 700A Wilmeth Road		E-Mail Address: jlane@co.collin.tx.us	
City: McKinney		ZIP Code: 75069	County: Collin
Contact Person: <i>(Name of person to call for questions)</i> Jason Lane		Enforcement Coordinator: <i>(Name &amp; telephone of enforcement coordinator)</i> Ms. Brianna Carlson (956) 430-6021 SEP Coordinator: <i>(Name &amp; telephone of enforcement coordinator)</i> Ms. Brianna Carlson (956) 430-6021	
Telephone: (972) 548-4708		Email: jlane@co.collin.tx.us	

**COMPLIANCE HISTORY:** *(As described at <http://www.tceq.state.tx.us/compliance/enforcement/history/about.html>)*  
Provide a brief summary of all environmental enforcement orders, including the violation, the media (air, water or waste), compliance status, relating to the site identified above. Also indicate compliance status for each order. For on-site projects, provide all TCEQ and EPA permit and account numbers related to this facility for all media.

Waste investigation on 9/15/09 indicated a failure to conduct Automatic Tank Gauge tests, inoperable overfill protection, damaged shear valve at the base of diesel dispenser. Documentation of corrective actions for each issue provided on 10/9/09, 11/06/09, and 11/06/09, respectively.

## NATURE OF VIOLATION/PROBLEM

Nature of the enforcement action: *(Provide a summary of the enforcement action being taken against the facility so that TCEQ can evaluate the appropriateness of the project in relation to the violation.)*

Waste investigation on 9/15/09 indicated a failure to conduct Automatic Tank Gauge tests, inoperable overfill protection, damaged shear valve at the base of diesel dispenser. Documentation of corrective actions for each issue provided on 10/9/09, 11/06/09, and 11/06/09, respectively.

Penalty Amount: \$2,940

SEP Amount: \$10,566.26

## DESCRIPTION OF THE PROPOSED SEP

Project Name: Lake Lavon Dump Site Cleanup

Description of the SEP, including photographs, if available:

Abandoned property has become an illegal dump site. Collin County will provide labor, equipment, and disposal of waste from this location.

Medium, if known: *(air, water, waste, etc.)* Waste

How the Project Will Be Implemented: *Describe how the project will be implemented, including: the need for the project, the availability of other similar services or projects in the area, and project implementation tasks such as technology, operation or process changes.*  
This project will be implemented by Collin County using staff personnel and equipment. This site contains approximately 150 tons of trash and is adjacent to Lake Lavon, the primary drinking water supply for Collin County and parts of Dallas County.



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Equipment to be used	How many?	Cost of Each	Per hr, day, etc.)		No. of	Units	Total for this item
Dump Truck, for hauling loads	5	\$ 25.00	hour	for	20	hours	\$ 2,500.00
Grapple Truck, for loading trash	1	\$ 30.00	hour	for	8	hours	\$ 240.00
Excavator, for loading large items	1	\$ 30.00	hour	for	6	hours	\$ 180.00
Truck Drivers	5	\$ 21.25	hour	for	20	hours	\$ 2,125.00
Equipment Operators	2	\$ 28.39	hour	for	14	hours	\$ 794.92
Supervisor	1	\$ 38.17	hour	for	2	hours	\$ 76.34
Disposal costs	1	\$ 31.00	tons	for	150	tons	\$ 4,650.00
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
<b>Total anticipated budget</b>							<b>\$ 10,566.26</b>

Project Coordinator: (Name and contact information for person responsible for oversight of project and reporting to TCEQ after completions):

Mr. Gary Enna, Assistant Director, Collin County Public Works (972) 548-3714; genna@co.collin.tx.us

**Project Schedule:** Provide a proposed project schedule that addresses project implementation and the submittal of status reports to the TCEQ. If Respondent's proposed SEP will take longer than a year, Respondent will need to obtain special approval from the coordinator.

**NOTE: Project implementation must not commence until after the Commission has approved the agreed order that includes this SEP.**

Events	Events	Events
<u>Name of Event</u> Lake Lavon Dump Site Cleanup	<u>Name of Event</u>	<u>Name of Event</u>
<u>Projected Start Date</u> March 2010	<u>Projected Start Date</u>	<u>Projected Start Date</u>
<u>Interim Dates</u> Milestone 1:	<u>Interim Dates</u> Milestone 1:	<u>Interim Dates</u> Milestone 1:
Milestone 2:	Milestone 2:	Milestone 2:
Milestone 3:	Milestone 3:	Milestone 3:
Completion Date/End of Project: <b>March 2010</b>	Completion Date/End of Project:	Completion Date/End of Project:



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**Start of Reporting and Frequency:**

*If more than (90) days to complete, quarterly reports are required. Be sure to identify the person responsible for reporting to the TCEQ.*

Start Date:

Last Report Date:

### EXPECTED ENVIRONMENTAL BENEFIT

*Explain in as much detail as possible the expected environmental benefits of this project and quantify the environmental benefits to the extent practical. Even if the benefits seem obvious (e.g. reducing pollution) you still must clearly state how the implementation of the SEP project will result in measurable environmental benefits.*

For pollution prevention or reduction projects - *Quantify the amount of each pollutant that is expected to be reduced beyond the level required for environmental compliance. Specify the medium (air, water, waste) to be affected.*

For all other types of projects - *Quantify the number of participants, programs offered, sites cleaned, types of contamination contained/removed, acres restored or affected, etc.*

This project will remediate the Lake Lavon Dump Site to background conditions, removing approximately 150 tons of trash from an abandoned property and illegal dumping. This site drains into Lake Lavon, the primary drinking water source for Collin County and parts of Dallas County.

### RATE OF RETURN

**This section applies to benefit to the Respondent, and not any benefit to a third party administrator.** Provide an analysis of annual financial returns on the project, such as growth in customer base and the savings from reduction in energy use. If you do not have a formula to calculate this, you may contact the SEP Coordinator and provide the capital expenditures and one time non-depreciable expenditures required to install capital equipment or conduct other activities (e.g., remove contaminated sediments from a stream), as well as annually recurring costs (for operation and maintenance of capital equipment or for other purposes).

Collin County estimates that it will cost \$10,566.26 to remediate this site. This site will go through a hearing process and become the property of Collin County. This property is valued at \$5000 by the Collin County Appraisal District (although this is based on 2009 real estate values and will probably be sold for a lesser amount). Once the property is sold at auction, Collin County will have expended \$5,566.26 for cleanup.

**PREVIOUS COMMITMENT CERTIFICATION: NO SEPARATE REQUIREMENT OR PRIVATE COMMITMENTS**



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I certify on behalf of the Respondent that the Respondent has not previously committed to perform this project including a previous obligation to complete the proposed SEP:

1. under any applicable local, state, or federal regulations that would require implementation of this project or any part of this project; and
2. as a part of:
  - a. a pollution prevention commitment identified in a plan developed pursuant to the state's Waste Reduction Policy Act (WRPA);
  - b. a commitment made under the Clean Texas Program; or
  - c. the U.S. Environmental Protection Agency's Project XL or any other incentive or regulatory flexibility program. (Y/N)

(See <http://www.tceq.state.tx.us/legal/sep/respproposal.html> for links and information about the WRPA, Clean Texas, and Project XL Programs.)

**Certification statement:** Please accept this implementation plan for the SEP as a certification that the information is true and correct and that the proposed project is being undertaken solely as part of the settlement of the enforcement action.

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

### FUNDING CERTIFICATION: NO PRIOR MONETARY COMMITMENTS OR SEPARATE FUNDING

Provide the following separate certification that no funding has been budgeted to the project prior to the approval of the SEP, nor will the SEP portion of the proposed project be funded by grants, donations, low interest loans, or other sources of funding attributable to the respondent's normal budgetary process without prior notice to the TCEQ Office of Legal Services.

Please accept this implementation plan for the SEP as a certification that no funding has been previously budgeted to the project prior to its approval by the TCEQ, and that the project will not receive duplicative funding by grants or donations from any source.

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



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Geographical Area to Benefit: *Identify specific areas, cities, counties and watersheds and/or nonattainment areas that would be affected by the project.*  
*This property drains directly into Lake Lavon, the primary drinking water supply for Collin County and parts of Dallas County.*

### DESCRIPTION OF THE PROPOSED SEP (continued)

Specific Location of SEP Project: *(Please provide a detailed description, including maps, if available:*

14079 Private Road 5226, Nevada, TX 75173

Ownership. *Please state who owns the property where the SEP will be conducted.*

Joseph Poupart

Does the proposed SEP relate in any way to the violation? *Causal relationship between violation and the restoration? Y/N If so, how?*

No

Will the project use respondent's personnel for labor or contract labor? *Please specify.*  
Project will use respondent's personnel for labor.

Will the respondent be willing to complete **all** portions of the SEP, regardless of whether the SEP costs more than anticipated? Yes

### PROPOSED BUDGET DETAILS (USE FEMA RATES FOR EQUIPMENT AND LABOR)

Only actual costs will be given credit upon completion of the SEP. No credit will be given for volunteer labor, labor by employees during normal work hours for non-SEP related projects, or for administrative costs.

**Double click on the table to overwrite the sample data**



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I certify on behalf of the Respondent that the Respondent has not previously committed to perform this project including a previous obligation to complete the proposed SEP:

1. under any applicable local, state, or federal regulations that would require implementation of this project or any part of this project; and
2. as a part of:
  - a. a pollution prevention commitment identified in a plan developed pursuant to the state's Waste Reduction Policy Act (WRPA);
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  - c. the U.S. Environmental Protection Agency's Project XL or any other incentive or regulatory flexibility program. (Y/N)

(See <http://www.tceq.state.tx.us/legal/sep/resproposal.html> for links and information about the WRPA, Clean Texas, and Project XL Programs.)

**Certification Statement:** Please accept this implementation plan for the SEP as a certification that the information is true and correct and that the proposed project is being undertaken solely as part of the settlement of the enforcement action.

*Vicki Deady*  
Name, Title: County Judge

*Keith Self*  
Printed Name: \_\_\_\_\_

Date: 1/21/10

### FUNDING CERTIFICATION: NO PRIOR MONETARY COMMITMENTS OR SEPARATE FUNDING

Provide the following separate certification that no funding has been budgeted to the project prior to the approval of the SEP, nor will the SEP portion of the proposed project be funded by grants, donations, low interest loans, or other sources of funding attributable to the respondent's normal budgetary process without prior notice to the TCEQ Office of Legal Services.

Please accept this implementation plan for the SEP as a certification that no funding has been previously budgeted to the project prior to its approval by the TCEQ, and that the project will not receive duplicative funding by grants or donations from any source.

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## Jon Kleinheksel

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**From:** Jason Lane  
**Sent:** Monday, January 11, 2010 2:13 PM  
**To:** 'BCarlson@tceq.state.tx.us'  
**Cc:** Jon Kleinheksel; Bob Upchurch  
**Subject:** Collin County Agreed Order

**Importance:** High

Brianna-

Just spoke with Sharon Blue with TCEQ Legal and it sounds like our illegal dumping cleanup project will meet the requirements for an SEP on TCEQ Agreed Order Docket No. is 2009-1834-PST-E. Our 30 day deadline is coming up next week, so based on my conversation with Sharon Blue, I am supposed to notify you that we plan to conduct a custom SEP in lieu of our fine and request an extension.

We will submit our custom SEP application to Sharon Blue by the end of the week and copy you on it.

Please let me know if there is anything else that you need. We want to make sure that we do everything necessary to resolve this Agreed Order in a timely manner.

Thanks,

Jason Lane  
Collin County Homeland Security  
(972) 548-4708

**Jon Kleinheksel**

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**From:** Jason Lane  
**Sent:** Thursday, January 14, 2010 11:12 AM  
**To:** Jon Kleinheksel  
**Cc:** Gary Enna; Tammi Koch  
**Subject:** TCEQ Supplemental Environmental Project (SEP)

Mr. Kleinheksel:

Based on my conversation yesterday with the TCEQ Legal representative, Ms. Sharon Blue, our proposed SEP will be adequate to address the enforcement action and subsequent fine by the TCEQ.

Jason Lane

Collin County Homeland Security

(972) 548-4708