

Texas Commission on Environmental Quality
Investigation Report
TIMMS, DALE RAY
CN603809369

INFORMATION COPY

BELL COUNTY DIRT COMPANY

RN106081623

Investigation # 895928
Investigator: DAVID MANN

Incident # 149745

Site Classification
OTHER THAN RECYCLER

Conducted: 02/11/2011 -- 02/11/2011

No Industry Code Assigned

Program(s): MUNICIPAL SOLID WASTE
NON PERMITTED

Investigation Type : Compliance Investigation

Location : SITE LOCATED AT THE END
OF S. HEAD ST, BELTON, BELL
COUNTY

Additional ID(s) :

Address : ,

Activity Type : REGION 09 - WACO
MSWCMPL - Investigation of MSW complaint
MSWUNA - Investigation at a site that is in violation of
330.7, including illegal disposal of tires

Principal(s) :

| Role | Name |
|-------------|--------------|
| RESPONDENT | DALE R TIMMS |

Contact(s) :

| Role | Title | Name | Phone |
|-------------------------------|--------------|---------------|---------------------|
| Regulated Entity Contact | OWNER | MR DALE TIMMS | Work (254) 771-0178 |
| Regulated Entity Contact | OWNER | BECKY TIMMS | Work (254) 771-0178 |
| Regulated Entity Mail Contact | OWNER | MR DALE TIMMS | Work (254) 771-0178 |

Other Staff Member(s) :

| Role | Name |
|-------------|----------------|
| Supervisor | FRANK BURLESON |
| QA Reviewer | JAY HALEPESKA |

Associated Check List

| <u>Checklist Name</u> | <u>Unit Name</u> |
|------------------------------|-------------------------|
| MSW COMPLAINT INVESTIGATION | S. Head Street |

Investigation Comments :

INTRODUCTION:

On January 24, 2011, a complaint (#149745) was filed with the Texas Commission on Environmental Quality (TCEQ) Waco Regional Office. The complaint alleged that concrete, lumber, fill dirt, construction debris, and brush are being disposed in an old gravel pit by a local government and local contractors. The investigator contacted the complainant for additional information the same day.

GENERAL FACILITY AND PROCESS INFORMATION:

The property investigated in this complaint is located at the end of S. Head Street in Belton, Texas. The property is owned by Dale and Becky Timms. The Bell County Appraisal District lists the property as PID number 114581 with a Legal Description as: PENDLETON, BLOCK 005, LOT 1, 2, & TR ADJ, PT OF 6.380AC TRACT, ACRES 1.684.

Noteworthy, is that the Timms own two adjacent properties to this site. The Bell County appraisal District lists the following PID's and Legal Descriptions:

- PID 114580, Legal Description: BELTON ORIGINAL, BLOCK 097, LOT ALL, PT OF 6.380AC TR, ACRES 3.814
- PID 114582, PENDLETON, BLOCK 006, LOT 0001, & TRS ADJ, PT OF 6.380AC TRACT, ACRES .060.

The properties are adjacent to Nolan Creek which is located to the South.

BACKGROUND:

A review of the regional data was performed. The review did not produce background information for the regulated entity.

ADDITIONAL INFORMATION:

On February 11, 2011, TCEQ investigator David Mann traveled unannounced to the site. Upon arrival the investigator attempted to locate a contact person at the property but was unsuccessful. While looking for a contact at the site, the investigator noted several piles of brush disposed at the site. The investigator did not note scrap lumber or construction debris at the site as alleged in the complaint. Also, noted was a large amount of inert fill material consisting of rock, dirt, asphalt aggregate, and brick being used to backfill areas at the site. The site looked to have once been a gravel pit.

Upon returning to the office, the investigator contacted City of Belton, City Manager Sam Listi. The investigator reviewed the complaint with Mr. Listi and asked him if the property belonged to the City of Belton. Mr. Listi indicated he would research the issue and call the investigator back on Monday, February 14, 2011.

On February 15, 2011, the investigator contacted Mr. Listi. Mr. Listi told the investigator that the property owner was Dale and Becky Timms, and that the City of Belton was not the property owner. He did indicate that the City of Belton had an arrangement with the Timms to haul dirt to the site, but had ceased the activity in September Of 2010.

The investigator called Bell County Dirt Company and talked to Ms. Becky Timms on February 15, 2011. The investigator reviewed the complaint with Ms. Timms. She indicated that the property was once a gravel pit and that they were back filling certain areas on the property with inert fill materials such as dirt, rocks, brick, and asphalt aggregate. The investigator indicated that he had visited the site on February 11, 2011 and had noted two small piles of brush at the site. Ms. Timms indicated that the brush was disposed of at the site by someone without their authorization. The investigator told Ms. Timms that the disposal of brush from the site was a violation of the TCEQ rules and that as property owners were responsible for removing it and disposing of it according to TCEQ rules.

The investigator conducted an Exit Interview with Ms. Timms and explained that they must cease the disposal of municipal solid waste at the property. The investigator explained further that she and her husband, Dale Timms will receive a Notice of Violation (NOV) for failure to acquire written authorization from the TCEQ prior to the disposal of municipal solid waste and that they will be required to remove the assorted municipal solid waste and dispose/recycle it according to TCEQ rules. Ms. Timms was told that she will be sent a NOV letter. The complainant will be sent a letter detailing the investigation findings.

NOV Date
03/30/2011

Method
WRITTEN

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 425812

Compliance Due Date: 04/30/2011

Violation Start Date: Unknown

30 TAC Chapter 330.15(c)

Alleged Violation:

Investigation: 895928

Comment Date: 02/28/2011

Failure to obtain written authorization from the TCEQ prior to the dumping or disposal of municipal solid waste.

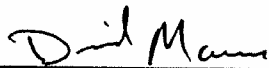
30 Texas Administrative Code
RULE §330.15 GENERAL PROHIBITIONS

(c) Except as otherwise authorized by this chapter, a person may not cause, suffer, allow, or permit the dumping or disposal of MSW without the written authorization of the commission.

During a February 11, 2011, complaint investigation, the disposal of unauthorized municipal solid waste was noted. Specifically, the municipal solid waste found at the site was two piles of brush and tree limbs.

Recommended Corrective Action: Immediately stop the disposal of municipal solid waste at this site. Remove the unauthorized solid waste (brush) and dispose of it at a permitted waste disposal facility. Submit to the TCEQ Waco Regional Office compliance documentation (i.e. corrective actions taken, photographs, and landfill receipts) by the compliance due date.

Signed



Environmental Investigator

Date

3/31/11

Signed



Supervisor

Date

3/30/11

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type) : NOV

Investigation Report

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify) :

Exit Interview Form,

CAD info.