



**ENVIRONMENTAL CIRCUIT  
RIDER PROGRAM:**



**COMPLIANCE AND ENFORCEMENT  
FOR ENVIRONMENTAL  
INVESTIGATORS**



PREPARED IN COOPERATION WITH THE HOUSTON-GALVESTON  
AREA COUNCIL AND THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY.

Illegal  
Dumping - (F)  
– Kevin Clark



DEFENDANT: Kevin Clark  
ADDRESS: 15300 Tuckerston

REGISTERED AGENT: \_\_\_\_\_  
\_\_\_\_\_

OFFENSE DATE: 11/8, 2003  
AGENCY: \_\_\_\_\_

ALLEGATION: **ILLEGAL DUMPING - SJF** (Transportation, Disposal and Receipt)  
**Commercial Purpose** [§365.012(a),(b)&(c) H & S Code]  
NCIC CODE \_\_\_\_\_

**(USE APPLICABLE PARAGRAPH OR PARAGRAPHS)**

for a commercial purpose, intentionally or knowingly transport litter or other solid waste, namely, landscaping debris and/or yard trimmings, having an aggregate weight of 200 pounds or more, or a volume of 200 cubic feet or more, to a place that was not an approved solid waste site for disposal at the site.

for a commercial purpose, intentionally or knowingly dispose, allow or permit the disposal of litter or other solid waste, namely, landscaping debris and/or yard trimmings, having an aggregate weight of 200 pounds or more, or a volume of 200 cubic feet or more, at a place that was not an approved solid waste site.

for a commercial purpose, intentionally or knowingly receive litter or other solid waste, namely, \_\_\_\_\_, having an aggregate weight of 200 pounds or more, or a volume of 200 cubic feet or more, for disposal at a place that was not an approved solid waste site.

CASE FILED: \_\_\_\_\_, 20\_\_

Cause Number \_\_\_\_\_ DISTRICT COURT NO. \_\_\_\_\_

SERVICE OF PROCESS: \_\_\_\_\_

WITNESSES

1. \_\_\_\_\_ (Complainant)
2. \_\_\_\_\_ (Field Investigator)

THE STATE OF TEXAS  
VS.

KEVIN AARON CLARK  
7506 ANTOINE  
HOUSTON, TEXAS 77088

SPN: 02046221  
DOB: WM/09/21/78  
DATE PREPARED: 03/04/04

D.A. LOG NUMBER: 935304  
CJIS TRACKING NO.:  
BY: JN DA NO: 0270  
AGENCY: HCEED  
O/R NO: 0402255529  
ARREST DATE: TO BE

NCIC CODE: 5533/09

RELATED CASES: CO-DEF-DWAYNE SWEAT

FELONY CHARGE: **ILLEGAL DUMPING**

CAUSE NO:

980073

HARRIS COUNTY DISTRICT COURT NO: 230

FIRST SETTING DATE:

BAIL: \$2,000

PRIOR CAUSE NO:

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**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **KEVIN AARON CLARK**, hereafter styled the Defendant, on or about **NOVEMBER 8, 2003**, did then and there unlawfully, for a commercial purpose, intentionally or knowingly transport litter or other solid waste, namely, **LANDSCAPING DEBRIS AND/OR YARD TRIMMINGS**, having an aggregate weight of 200 pounds or more, or a volume of 200 cubic feet or more, to a place that was not an approved solid waste site for disposal at the site.

It is further presented that in Harris County, Texas, **KEVIN AARON CLARK**, hereafter styled the Defendant, heretofore on or about **NOVEMBER 8, 2003**, did then and there unlawfully, for a commercial purpose, intentionally or knowingly dispose, allow, or permit the disposal of litter and other solid waste, namely, **LANDSCAPING DEBRIS AND/OR YARD TRIMMINGS**, having an aggregate weight of 200 pounds or more, or a volume of 200 cubic feet or more, at a place that was not an approved solid waste site.

**ASST. FOREMAN**

**184<sup>TH</sup>**

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

*Kimberly Anne Swales*

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FOREMAN OF THE GRAND JURY

**INDICTMENT (STATE'S COPY)**

Offense Summary of facts

OFFENSE REPORT #...: 0402255529  
DATE OF OFFENSE...: 11/09/2003  
ADDRESS OF OFFENSE: 15300 TUCKERTON  
OFFENSE CITY.....: HOUSTON, TX ZIP:

PROTECTIVE ORDER REQUESTED: N

COMPLAINANT/WITNESS(1): STATE OF TEXAS

DAMAGE/RESTITUTION:

TOTAL RESTITUTION (AMOUNT OF DAMAGE): \$10.00

DESCRIPTION OF PROPERTY	VALUE
VIDEO TAPES	10.00

\*\*\*\*\*  
 \* NCIC CHECK: CLEAR: ATTACHED: \*  
 \* JIMS CHECK: CLEAR: ATTACHED: \*  
 \*\*\*\*\*

SUMMARY OF FACTS:

15300 TUCKERTON IS A PUBLIC ROAD IN HARRIS COUNTY. THE ROADWAY IS DESIGNED FOR EAST/WEST TRAFFIC FLOW AND DEADENDS AT THE EASTEND OF THE 15300 BLOCK AT A CUL-DE-SAC. FIVE LOADS OF LANDSCAPING DEBRIS WERE DUMPED FROM A 1/2 TON PICK UP BY SUSPECTS DURING A TWO DAY PERIOD. THE OFFENSES WERE RECORDED BY SURVEILLANCE CAMERA LOCATED IN THE VICINITY. THE SURVEILLANCE VIDEO WAS REVIEWED BY DEPUTY HERRERA. THE VIDEO RECORDED A CHEVROLET 1/2 TON PICK UP OCCUPIED BY TWO SUSPECTS COMING TO THE 15300 BLOCK OF TUCKERTON ON NOVEMBER 8TH, 2003 ON FOUR SEPARATE OCCASIONS TO DUMP FOUR LOADS OF LANDSCAPING DEBRIS. THE SUSPECTS WERE RECORDED AT THE LOCATION FROM 1)1207 TO 1215 HRS. 2)1401 TO 1408 HRS. 3)1607 TO 1616 HRS. AND 4)1731 TO 1739 HRS. DUMPING LANDSCAPING DEBRIS DURING NOVEMBER 8, 2003. THE SAME PICK UP RETURNED ON NOVEMBER 9TH, 2003 AT 1645 HRS. OCCUPIED BY THREE MALES AND A FIFTH LOAD OF LANDSCAPING DEBRIS WAS DUMPED AT THE SITE. THE CHEVROLET PICK UP WAS DISPLAYING TEXAS REGISTRATION #5TBV45. EACH OF

THE LOADS WAS APPROXIMATELY 8'X4'X7' FOR A 224 CUBIC FEET TOTAL FOR EACH OF THE LOADS.

ON 01-14-04, DEPUTY HERRERA SPOKE WITH THE REGISTERED OWNER OF THE TRUCK. MR. LOUIS F. MONNICH, IDENTIFIED BY HIS TEXAS DL#17188229 STATED THE TRUCK WAS DRIVEN BY HIS GRANDSON, LARRY GARZA.

ON 01-15-04, DEPUTY HERERA SPOKE WITH LARRY GARZA. MR. GARZA WAS IDENTIFIED BY HIS TEXAS DL #16183065. MR. GARZA STATED HE WAS THE PERSON WHO USUALLY DROVE THE TRUCK, BUT SOMETIMES HE LENDS THE TRUCK TO A FRIEND NAMED DWAYNE SWEAT. MR. GARZA STATED HE LENDS THE TRUCK TO DWAYNE BECAUSE DWAYNE AND KEVIN CLARK HAVE A LANDSCAPING BUSINESS. MR. GARZA PROVIDED THE NAME OF THE BUSINESS AS "SECURE CHOICE TREE SERVICE". MR. GARZA WAS INFORMED OF THE NATURE OF THE INVESTIGATION AND WAS ASKED TO REVIEW THE VIDEO SURVEILLANCE TAPE. MR. GARZA REVIEWED THE FIRST PART OF THE VIDEO TAPE AND IDENTIFIED THE DRIVER AS DWAYNE SWEAT AND THE FRONT SEAT PASSENGER AS KEVIN CLARK. MR. GARZA WAS INFORMED A THIRD PERSON WAS SEEN ON THE LAST PART OF THE VIDEO. MR. GARZA STATED THE THIRD INDIVIDUAL WAS POSSIBLY A GUY NAMED JOSH. MR. GARZA STATED DWAYNE SWEAT WAS RENTING A ROOM FROM STEFFANI CASSELL AND MS. CASSELL COULD POSSIBLY IDENTIFY THE THIRD INDIVIDUAL SINCE DWAYNE LIVES AT HER PLACE. MR. GARZA GAVE THE FOLLOWING WRITTEN STATEMENT: "SOMETIME DURING NOVEMBER 2003 I ALLOWED DWAYNE SWEAT, KEVIN CLARK AND JOSH K. TO USE MY 1996 CHEVY P/U TO HAUL LANDSCAPING DEBRIS FOR THEIR LANDSCAPING/TREE SERVICE. AFTER REVIEWING THE TAPES WITH OFFICER HERRERA I WAS ABLE TO IDENTIFY THE PERPETRATORS THAT I MENTIONED IN THE FIRST PART OF MY STATEMENT."

ON 01-15-04 DEPUTY HERRERA MET WITH MS. STEFANI CASSELL. MS. CASSELL WAS IDENTIFIED BY HER TEXAS DL# 10975173. MS. CASSELL STATED MR. SWEAT WAS RENTING A ROOM FROM HER BUT HE WAS OUT OF TOWN. DEPUTY HERRERA ASKED MS. CASSELL TO REVIEW THE VIDEO TAPE. MS. CASSELL IDENTIFIED MR. DWAYNE SWEAT AS THE DRIVER AND THE FRONT SEAT PASSENGER AS KEVIN CLARK. MS. CASSELL WAS ABLE TO IDENTIFY THE THIRD INDIVIDUAL AS ROGER IVES BUT SHE STATED SHE WAS NOT SURE OF THE SPELLING OF THE SURNAME. MS. CASSELL STATED KEVIN CLARK WAS IN JAIL FOR THE NEXT 6 MONTHS DUE TO A DRUG CONVICTION AND DWAYNE SWEAT WAS OUT OF TOWN WORKING CONSTRUCTION. MS. CASSELL STATED SHE DIDN'T KNOW WHERE ROGER IVES LIVES OR HOW TO CONTACT HIM. MS. CASSELL STATED DWAYNE AND KEVIN ONLY USED HIM ON ONE JOB BECAUSE THEY COMPLAINED HE WAS LAZY. MS. CASSELL PROVIDED A COPY OF A FLYER USED FOR ADVERTISEMENT BY DWAYNE AND KEVIN FOR THEIR BUSINESS NAMED "SECURE CHOICE TREE SERVICE". MS. CASSELL GAVE THE FOLLOWING WRITTEN STATEMENT: "AFTER REVIEWING VIDEO FOOTAGE, I HAVE IDENTIFIED THE DRIVER OF THE BLUE TRUCK AS DWAYNE SWEAT, THE PASSENGER AS KEVIN CLARK AND ADDITIONAL PERSON AT THE BACK OF THE TRUCK AS ROGER IVES." DEPUTY HERRERA MET WITH A.D.A. BELINDA SMITH, WHO REVIEWED THE VIDEO TAPE. MS. SMITH ACCEPTED FIVE COUNTS OF FELONY ILLEGAL DUMPING (COMMERCIAL) CHARGES AGAINST DWAYNE SWEAT AND FIVE COUNTS OF FELONY CHARGES OF FELONY ILLEGAL DUMPING (COMMERCIAL) CHARGES AGAINST KEVIN CLARK.

METHOD OF IDENTIFICATION:

RECORDED BY SURVEILLANCE CAMERA DURING  
OFFENSE. FRIEND AND LANDLORD ID BY VIDEO

# CAD Report

## 040225552

Type of Offense: ILLEGAL DUMPING COMMERICAL PURPOSE

Dispatch Location 15300 TUCKERTON Ali Grid 408A Beat STA District 45 Comm C1

Reported Location 15300 TUCKERTON Ali Grid 408A Beat STA District C5 Comm C1

At/Between BETWEEN Date/Time 11/08/03 12:01 Date/Time 11/09/03 18:00

Premises Involved: ROADWAY Method of Entry :  
Point of Entry : Point of Exit :  
Inst/Tool Used : Weather Condition: CLEAR  
Cause of Fire : Latent Prints: Scene Photos: Y

Persons Involved Information:

Ty/No Name/Address Rel to Offender AGE RACE SEX HISP  
C01 Texas State of

Date of Birth : / / Social Security No : - -  
Drivers License : State :  
Condition : Taken To : Transported by :  
Employment :

Phone : - - ext :

W01 MONNICH LOUIS F NONE 76 W M N  
15909 JERSEY DR  
HOUSTON TX 77040 713-466-7847

Date of Birth : 01/10/27 Social Security No : - -  
Drivers License : 17188229 State : TX  
Condition : Taken To : Transported by :  
Employment :

Phone : - - ext :

W02 GARZA LAZARO WAYNE FRIEND 20 W M Y  
15909 JERSEY DR  
HOUSTON TX 77040 713-466-7847

Date of Birth : 07/14/83 Social Security No : - -  
Drivers License : 16183065 State : TX  
Condition : Taken To : Transported by :  
Employment :

Phone : - - ext :

Persons Involved Information:

Ty/No	Name/Address	Rel to Offender	AGE	RACE	SEX	HISP
W03	CASSELL STEFANI LOUIS 7506 ANTOINE HOUSTON TX 77088	LANDLORD 832-725-2876	37	W	F	N

Date of Birth : 05/05/66 Social Security No : - -  
Drivers License : 10975173 State : TX  
Condition : Taken To : Transported by :  
Employment :

Phone : - - ext :

Officers Involved:

P	Name	TDISP	TENRT	TARRD	TCLRD	DIS	CBY
P	HERRERA, N G	09:46	09:46	09:46	09:46	rep	THK

Status / Disposition	Name	Report Status: app	Date	UCR Clearance: clo
	HERRERA, N G		02/25/04	Initial Entry
	MITCHELL, L T		02/25/04	Report Approval
	MITCHELL, L T		02/25/04	Case Approval

Related Cases

SSAN:

CAUSE#:

ESC:

CHARGE: 11  
DESC: ILLEGAL DUMPING COMMERCIAL (P)

Property Involved:  
Per/No Item St Brand Type NIC Number Serial Number Value/  
Loss

NO PROPERTY FOR THIS CASE

Vehicle Involved:  
Per/No Status Make Model Lit VCO LIC LIS Value/  
Loss

Synopsis of Offense:

SUSPECTS COMMITTED COMMERCIAL ILLEGAL DUMPING VIOLATION ON FIVE OCCASSIONS IN EARLY PART OF NOVEMBER 2003. SUSPECTS WERE RECORDED ON SURVEILLANCE VIDEO IN THE PROCESS OF COMMITTING THE VIOLATIONS. THE SUSPECTS WERE IDENTIFIED AND CHARGES FOR 5 COUNTS OF ILLEGAL DUMPING COMMERCIAL PURPOSE WERE ACCEPTED AGAINST TWO INDIVIDUALS. A TOTAL OF 10 FELONY CHARGES WERE ACCEPTED BY HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE.

Suspects Involved:

Ty/No S03 Name: IVES ROGER SO Id#: 1153715  
Alias:  
Alias:  
Address: 13118 KLUGE RD  
CYPRESS TX 77429  
Age: 17 to 18 DOB: 081286 Race: W Sex: M Hisp: N  
Hgt: 509 to 510 Wgt: 165 to 170  
Hair Col: BRO Type: Lnth: Fac Hair:  
Eye Col : BRO Cond: Skin: Speech :  
Teeth: SMDT: CMT:  
DESC:  
MO :

JIMS SPN#: 02039970 SSAN:  
DRIVERS LIC #: DRIVERS LIC STATE:  
COURT #: CAUSE#:  
CHARGE: DESC:

Ty/No S02 Name: CLARK KEVIN AARON SO Id#:  
Alias:  
Alias:  
Address: 7506 ANTOINE DR  
HOUSTON TX 77088  
Age: 25 to 26 DOB: 092178 Race: W Sex: M Hisp: N  
Hgt: 511 to 600 Wgt: 175 to 180  
Hair Col: BRO Type: Lnth: Fac Hair:  
Eye Col : HAZ Cond: GLO Skin: Speech :  
Teeth: SMDT: CMT:  
DESC:  
MO :

JIMS SPN#: 02040221

SSAN: 453874441

DRIVERS LIC #: 16349869

DRIVERS LIC STATE: TX

COURT #:

CAUSE#:

CHARGE: 2611

DESC: ILLEGAL DUMPING COMMERCIAL (F)

WINE ERNST  
K

Ty/No S01 Name: SWEAT DWAYNE EARNEST SO Id#:  
Alias: SWEAT DWAYNE  
Alias: SWEAT DEWAYNE ERNEST  
Address: 7506 ANTOINE DR  
HOUSTON TX 77088  
Age: 25 to 26 DOB: 020279 Race: W Sex: M Hisp: N  
Hgt: 603 to 604 Wgt: 175 to 180  
Hair Col: BRO Type: Lnth: Fac Hair:  
Eye Col : BRO Cond: GLO Skin: Speech :  
Teeth: SMDT: CMT:  
DESC:  
MO :

JIMS SPN#: SSAN: 460559266  
DRIVERS LIC #: 05170238 DRIVERS LIC STATE: TX  
COURT #: CAUSE#:  
CHARGE: 2611 DESC: ILLGEL DUMPING COMMERCIAL

Narrative:

ENTERED BY: HERRERA, N G

Date: 02/25/04 Time: 13:35

15300 Tuckerton Road is a public road in Harris County. The roadway is designed for East/West traffic flow with one lane for each direction of travel. The 15300 block of Tuckerton Rd. dead-ends at the Eastend of the block in a cul-de-sac. The roadway is in an isolated area without any home development. The illegally dumped solid waste consisted of landscaping debris. Five loads from a 1/2 ton pick up were dumped at the cul-de-sac location. Each pile of debris was approximately 8' x 4' x 7' = 224 cubic feet x 5 loads = a total of 1120 cubic feet.

Deputy Herrera was assigned to investigate illegal dumping violations committed at the 15300 block of Tuckerton road. The illegal dumping violations were recorded by a surveillance video camera located in the vicinity. The surveillance video was reviewed by Deputy Herrera. The video recorded a Chevrolet 1/2 ton pickup occupied by two suspects coming to the 15300 block of Tuckerton on November 8, 2003 on four separate occasions to dump four loads of landscaping debris. The suspects were recorded at the location from 1207 to 1215 hrs., 1401 to 1408 hrs., 1607 to 1616 Hrs. and 1731 to 1739 Hrs. dumping landscaping debris at the location on November 8th 2003. The same pick up returned on November 9, 2003 @ 1645 Hrs. occupied by three males, who dumped a fifth load of landscaping debris. The vehicle was displaying Texas vehicle registration # 5TBV48.

01-14-04 @ 12:14 Hrs.- Annex 86- Deputy Herrera checked the Texas registration #5TBV48 displayed on the blue Chevrolet pick up through Motor Vehicle Records. The vehicle was registered to Louis F. Monnich, 15909 Jersey Dr., Houston TX 77040.

01-14-04 @ 1430 Hrs.- 15909 Jersey Dr.- Deputy Herrera checked the address listed on the vehicle registration. Deputy Herrera found the blue color Chevrolet pickup recorded on the surveillance video. The pickup was displaying vehicle registration # 5TBV48 and was parked in the driveway of the residence. Deputy Herrera took photographs of the suspect vehicle.

01-14-04 @ 1745 Hrs.- 15909 Jersey Dr.- Deputy Herrera spoke with an older white male, who identified himself as Louis F. Monnich. Mr. Monnich was identified by his Texas DL#17188229. Deputy Herrera asked Mr. Monnich who was the person driving the blue Chevrolet pick up truck. Mr. Monnich stated the vehicle was driven by his grandson, Larry Garza. Mr. Monnich stated Larry was not home but would return in a couple of hours. Deputy Herrera informed Mr. Monnich contact would need to be made with Larry Garza in regard to a criminal investigation. Mr. Monnich was given a business card with instructions to have Larry Garza contact Deputy Herrera.

01-15-04 @ 1000 Hrs.-15909 Jersey Dr.-Deputy Herrera met with Mr. Larry Garza. Mr. Garza was identified by his Texas DL # 16183065 as Lazaro Wayne Garza, III 07-14-83, W/M. Mr. Garza was asked if he was the driver of the blue Chevrolet pickup. Mr. Garza stated he was the person who drove the truck but sometimes he lends the truck to a friend. Deputy Herrera asked for the name of the

Narrative:

ENTERED BY: HERRERA, N G

Date: 02/25/04 Time: 13:35

person who borrows the truck. Mr. Garza stated his friend, Dwayne Sweat borrows the truck because Dwayne and Kevin Clark have a landscaping business. Deputy Herrera asked Mr. Garza if He knew the name of the business. Mr. Garza stated Secure Choice Tree Service. Deputy Herrera informed Mr. Garza of the nature of the investigation. Mr. Garza was asked to review a video surveillance tape to identify the suspects dumping the landscaping debris. Mr. Garza reviewed the video tape and was able to identify the driver as Dwayne Sweat and the passenger as Kevin Clark. Mr. Garza was informed a third person was seen on the last part of the video. Mr. Garza stated the third individual was possibly a guy named Josh. Mr. Garza stated Dwayne Sweat was renting a room from a woman named Stefani Cassell. Mr. Garza gave Ms. Cassell's address as 7506 Antoine Dr., Houston TX. phone # 832-725-2676. Mr. Garza stated she would be able to possibly identify the third individual because Dwayne lives at her place. Mr. Garza gave the following written statement: " Sometime during November 2003 I allowed Dewayne Sweat, Kevin Clark and Josh K? to use my 1996 Chevy P/U to haul landscaping debris for their landscaping/tree trimming service. After reviewing the tapes with Deputy Herrera I was able to identify the perpetrators that I mentioned in the first part of my statement."

01-15-04 @ 1745 Hrs.- 7506 Antoine Dr.- Deputy Herrera met with Ms. Stefani Cassell. Ms. Cassell was identified by her Texas DL# 10975173 as Stefani Louis Cassell, W/F, 05-05-66. Ms. Cassell stated Mr. Sweat was renting a room from her but he was out of town. Deputy Herrera asked Ms. Cassell to review the surveillance video tape. Ms. Cassell reviewed the video tape and identified Mr. Dwayne Sweat as the driver and the front seat passenger as Kevin Clark. Ms. Cassell was able to identify the third individual as Roger Ives but she stated she was not sure of the spelling of the surname. Ms. Cassell stated Kevin Clark was in jail for the next 6 months due to a drug conviction and Dwayne Sweat was out of town working construction. Ms. Cassell stated she did not know where Roger Ives lives or how to contact him. Ms. Cassell stated Dwayne and Kevin only used Roger on one job because they complained he was Lazy. Ms. Cassell provided a copy of a flyer used for advertisement by Dwayne and Kevin for their business named "Secure Choice Tree Service". Deputy Herrera obtained the following written statement from Ms. Cassell, "After reviewing video footage, I have identified the driver of the blue truck as Dwayne Sweat, The passenger as Kevin Clark and additional person at the back of the truck as Roger Ives."

02-19-04 @ 1000 Hrs.- 1201 Franklin, 4th Floor- Deputy Herrera met with A.D.A. Belinda Smith. Ms. Smith reviewed the surveillance video tape. Ms. Smith accepted five counts of Felony charges for illegal dumping against Dwayne Sweat and five counts of Felony charges for illegal dumping against Kevin Clark.

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Narrative:

ENTERED BY: HERRERA, N G

Date: 02/25/04 Time: 13:35

Charges were filed under Harris County Case #040225529 with D.A. Transaction #935275 used for charges on Dwayne Ernest Sweat and D.A. Transaction #935304 used for charges on Kevin Aaron Clark. A complete copy of Environmental Crimes Unit Case # 2552-31C will be provided to Ms. Smith for her records.

<b>DL Number:</b>	16349869
<b>Name:</b>	CLARK,KEVIN AARON
<b>Photo:</b>	
<b>Date Of Birth:</b>	09211978
<b>Address:</b>	7616 SPRINGMEADOW , PORT ARTHUR , TX-776400000
<b>Race:</b>	WHITE
<b>Sex:</b>	M
<b>Height:</b>	511
<b>Weight:</b>	175
<b>Eye Color:</b>	HAZEL
<b>Hair Color:</b>	BROWN
<b>Image Date:</b>	04171997
<b>Class:</b>	CLASS C
<b>Expiration Date:</b>	09212000
<b>Restriction:</b>	
<b>Endorsement:</b>	
<b>CDL Flag:</b>	

**OFFICIAL LAW ENFORCEMENT USE ONLY.**

Violations subject to civil and criminal penalties and termination of access.

CO – DEF  
Clark, Kevin

# ENVIRONMENTAL ENFORCEMENT DIVISION REPORT

## CASE IDENTIFICATION INFORMATION:

E.E.D. CASE #: 2552-31C  
COUNTY CASE #: 0402255529  
RECEIVED DATE: 1/8/04 @ 1000 HRS.  
INVESTIGATED DATE: 1/8/04 @ 1000 HRS.  
G.P.S. LOCATION:

CITATION #:  
D.A. TRANSACTION #: 935304  
INVESTIGATOR: GH  
CHARGES FILED: 5x felony

## SITE INFORMATION:

LOCATION: 15300 Tuckerton KEY MAP: 408-A  
DESCRIPTION OF SCENE: 15300 Tuckerton Road is a public road in Harris County. The roadway is designed for East/West traffic flow with one lane for each direction of travel. The 15300 block of Tuckerton Rd. dead-ends at the East end of the block in a cul-de-sac. The roadway is in an isolated area without any home development. The illegally dumped solid waste consisted of landscaping debris. Five loads from a 1/2 ton pick up were dumped at the cul-de-sac location. Each pile of debris was approximately 8' x 4' x 7' = 224 cubic feet x 5 loads = a total of 1120 cubic feet.

## WITNESS/REPORTEE: GH

NAME: DOB: / / RACE: SEX:  
HOME ADDRESS: CITY: STATE: ZIP:  
HOME PHONE: - - WORK PHONE: - - EXT.  
PLACE OF EMPLOYMENT: OCCUPATION:  
WORK ADDRESS: CITY: STATE: ZIP:  
DRIVER LICENSE #: STATE: ID. #: STATE:  
SOCIAL SECURITY #: - -

## SUSPECT INFORMATION: S01

NAME: Clark, Kevin Aaron DOB: 09/21/1978 RACE: W SEX: M  
HOME ADDRESS: 7616 Springmeadow CITY: Port Arthur STATE: TX ZIP: 77640  
HOME PHONE: 832-725-2876 WORK PHONE: 832-725-2876 EXT.  
PLACE OF EMPLOYMENT: Secure Choice Tree Service OCCUPATION: Landscaping  
WORK ADDRESS: 7506 Antonie Dr. CITY: Houston STATE: Tx ZIP: 77088  
DESCRIPTION: HEIGHT: 5'11" WEIGHT: 175 HAIR: Brown EYES: Hazel  
DRIVER LICENSE #: 16349869 STATE: TX ID. #: STATE:  
SOCIAL SECURITY #: 453-87-4441 SPN #: 02046221 FBI #: 275197PB6

## SUSPECT COMPANY INFORMATION: S01

NAME: Secure Choice Tree Service TYPE:  
REGISTERED AGENT: Clark, Kevin Aaron PHONE: 832-725-2876 EXT.

## VEHICLE INFORMATION: S01

YEAR: 1996 MAKE: Chevrolet MODEL: C1500 STYLE: Pick up COLOR: Blue/Blue  
LICENSE NUMBER: 5TBV48 STATE: TX VIN: 2GCEC19W1T1135457

## PHOTO/VIDEO INFORMATION: Yes

PHOTO ATTACHED: Yes TYPE: Video QUANTITY: 1 SITE SAFETY PLAN: No

**NOTES:** Deputy Herrera was assigned to investigate illegal dumping violations committed at the 15300 block of Tuckerton road. The illegal dumping violations were recorded by a surveillance video camera located in the vicinity. The surveillance video was reviewed by Deputy Herrera. The video recorded a Chevrolet 1/2 ton pickup occupied by

two suspects coming to the 15300 block of Tuckerton on November 8, 2003 on four separate occasions to dump four loads of landscaping debris. The suspects were recorded at the location from 1207 to 1215 Hrs., 1401 to 1408 hrs., 1607 to 1616 Hrs. and 1731 to 1739 Hrs. dumping landscaping debris at the location on November 8<sup>th</sup> 2003. The same pick up returned on November 9, 2003 @ 1645 Hrs. occupied by three males, who dumped a fifth load of landscaping debris. The vehicle was displaying Texas registration # 5TBV48.

### SUSPECT MATERIAL INFORMATION:

TYPE: Landscaping  
SOLID: XXXX WATER: AIR: OTHER:  
CLASSIFICATION:  
HAZARDOUS: NON-HAZARDOUS: XXXX OTHER:  
QUANTITY: 896 cubic feet  
CONTAINERS: loose  
ACCUMULATION DATE: - - SITE:  
COMPANY CONDUCTING TEST:  
ADDRESS: CITY: STATE: ZIP:  
TELEPHONE: - - EXT.  
CONTACT PERSON: TITLE:

### PROPERTY OWNERSHIP INFORMATION: C01

OWNER: Texas, State of  
ADDRESS: CITY: STATE: ZIP:  
TELEPHONE: HOME: - - WORK: - - EXT.  
CONTACT PERSON: TITLE:  
TELEPHONE: HOME: - - WORK: - - EXT.

**INVESTIGATIVE NOTES:** 01-14-04 @ 12:14 Hrs.- Annex 86- Deputy Herrera checked the Texas registration #5TBV48 displayed on the blue Chevrolet pick up through Motor Vehicle Records. The vehicle was registered to Louis F. Monnich, 15909 Jersey Dr., Houston TX 77040.

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01-14-04 @ 1745 Hrs.- 15909 Jersey Dr.- Deputy Herrera spoke with an older white male, who identified himself as Louis F. Monnich. Mr. Monnich was identified by his Texas DL#17188229. Deputy Herrera asked Mr. Monnich who was the person driving the blue Chevrolet pick up truck. Mr. Monnich stated the vehicle was being driven by his grandson, Larry Garza. Mr. Monnich stated Larry was not at home but would return in a couple of hours. Deputy Herrera informed Mr. Monnich contact would need to be made with Larry Garza in regard to a criminal investigation. Mr. Monnich was given a business card with instructions to have Larry Garza contact Deputy Herrera.

01-14-04 @ 2000 Hrs.- via public service- Deputy Herrera received a call from Mr. Larry Garza. Arrangements were made to meet with Mr. Garza the following morning to discuss the situation.

01-15-04 @ 1000 Hrs.- 15909 Jersey Dr.- Deputy Herrera met with Mr. Larry Garza. Mr. Garza was identified by his Texas DL # 16183065 as Lazaro Wayne Garza, III, 07-14-83, W/M. Mr. Garza was asked if he was the driver of the blue Chevrolet pick up. Mr. Garza stated he was the person who drove the truck but sometimes he lends the truck to a friend. Deputy Herrera asked for the name of the person who borrows the truck. Mr. Garza stated his friend, Dwayne Sweat borrows the truck because Dwayne and Kevin Clark have a landscaping business. Deputy Herrera asked Mr. Garza if He knew the name of the business. Mr. Garza stated Secure Choice Tree Service. Deputy Herrera informed Mr. Garza of the nature of the investigation. Mr. Garza was asked to review a video surveillance tape to attempt to identify the suspects dumping the landscaping debris. Mr. Garza reviewed the first part of the video tape and was able to identify the driver as Dwayne Sweat and the front seat passenger as Kevin Clark. Mr. Garza was informed a third person was seen on the last part of the video. Mr. Garza stated the third individual was possibly a guy named Josh. Mr.

Garza stated Dwayne Sweat was renting a room from a woman named Stefani Cassell. Mr. Garza gave Ms. Cassell's address as 7506 Antoine Dr., Houston TX. phone # 832-725-2676. Mr. Garza stated she would be able to possibly identify the third individual because Dwayne lives at her place. Mr. Garza gave the following written statement: " Sometime during November 2003 I allowed Dewayne Sweat, Kevin Clark and Josh K? to use my 1996 Chevy P/U to haul landscaping debris for their landscaping/tree trimming service. After reviewing the tapes with Officer Herrera I was able to identify the perpetrators that I mentioned in the first part of my statement."

01-15-04 @ 1745 Hrs.- 7506 Antoine Dr.- Deputy Herrera met with Ms. Stefani Cassell. Ms. Cassell was identified by her Texas DL# 10975173 as Stefani Louis Cassell, W/F, 05-05-66. Ms. Cassell stated Mr. Sweat was renting a room from her but he was out of town. Deputy Herrera asked Ms. Cassell to review the surveillance video tape. Ms. Cassell reviewed the video tape and identified Mr. Dwayne Sweat as the driver and the front seat passenger as Kevin Clark. Ms. Cassell was able to identify the third individual as Roger Ives but she stated she was not sure of the spelling of the surname. Ms. Cassell stated Kevin Clark was in jail for the next 6 months due to a drug conviction and Dwayne Sweat was out of town working construction. Ms. Cassell stated she didn't know where Roger Ives lives or how to contact him. Ms. Cassell stated Dwayne and Kevin only used Roger on one job because they complained he was lazy. Ms. Cassell provided a copy of a flyer used for advertisement by Dwayne and Kevin for their business named "Secure Choice Tree Service". Deputy Herrera obtained the following written statement from Ms. Cassell, " After reviewing video footage, I have identified the driver of the blue truck as Dwayne Sweat, The passenger as Kevin Clark and additional person at the back of the truck as Roger Ives."

01-27-04 @ 1635 Hrs.- 7506 Antoine Dr.- Deputy Herrera checked the location where Mr. Sweat was renting a room. No answer was obtained at the front door.

02-02-04 @ 1000 Hrs.- 7506 Antoine Dr.- Deputy Herrera checked the location where Mr. Sweat was renting a room. No answer was obtained at the front door.

02-04-04 @ 1300 Hrs.- Annex 86 - Printed photographs.

02-10-04 @ 1530 Hrs.- 7506 Antoine Dr.- Deputy Herrera checked the location where Mr. Sweat was renting a room. No answer was obtained at the front door.

02-19-04 @ 1000 Hrs.- 1201 Franklin, 4<sup>th</sup> Floor- Deputy Herrera met with A.D.A. Belinda Smith. Ms. Smith reviewed the surveillance video tape. Ms. Smith accepted five counts of Felony charges for illegal dumping against Dwayne Sweat and five counts of Felony charges for illegal dumping against Kevin Clark.

ST

COLEMAN Blue/Blk

TY PLAN

was located at the 1500 block of  
the video camera located in the vicinity  
of the pickup occupied.

## Voluntary Statement

Date: January 15, 2003

Time: 10:30 AM

Statement of Larry W. Garza III taken in Harris County Texas.

Prior to making this statement I have been warned by N. G. Herrera the person to who this statement is made, that:

- LG 1) I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial;
- LG 2) Any statement I make may be used as evidence against me in court;
- LG 3) I have the right to have a lawyer present to advise me prior to and during any questioning;
- LG 4) If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and;
- LG 5) I have the right to terminate the interview at any time.

Prior to and during the making of this statement I knowingly, intelligently and voluntarily waive the rights set out above and make the following voluntary statement:

Sometime during November 2003 I allowed Dewayne Sweat, Kevin Clark and Josh K? to use my 1996 Chevy P/U to haul landscaping debris for their landscaping /tree trimming service. After reviewing the tapes with Officer Herrera I was able to identify the perpetrators that I mentioned in the first part of my statement.

Larry W. Garza III Signature of Person Making Statement

Levi F. [unclear] Witness

Deane L. New Witness

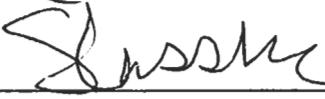
# Statements

**Voluntary Statement  
Witness**

Statement of Stephani L. Cassell taken in  
Harris County, Texas. I knowingly, intelligently and voluntarily  
make the following voluntary statement. I also read, write and understand  
the English language. I am aware that making a false statement could result  
in criminal charges against me as prescribed in the Texas Penal Code under  
Chapter 37, Section 37.02-Perjury and/or Section 37.08- False Statement to a  
Police Officer. This statement was given to N. G. Herrera on  
January 15, 2004 at 5:50 AM (PM).

After reviewing video footage, I have identified  
the driver of the blue truck as Dwayne Sweat,  
the passenger as Kevin Clark and additional  
person at the back of the truck as Roger Alves.

I have read each page of this statement consisting of    pages, each of which  
bears my signature, and corrections, if any, bear my initials, and I certify that  
the facts contained herein are true and correct. I also declare that I was not  
told, prompted or forced to make this statement. This statement was given  
at 7506 Antoine, Houston TX 77088, and completed at  
approximately 6:00 AM (PM) on the 15 day of JANUARY  
2004.

  
Signature of person making statement

Witness:  Peter Jameson  
Witness:  Brandon Barry

# Secure Choice Tree Services

# **SECURE CHOICE TREE SERVICE**



***Guaranteed Lowest Bid!***

- *Trimming*
- *Removal*
- *Topping*
- *Pruning*
- *Haul Off*
- *Senior Discounts*
- *Lots Cleared*
- *Commercial*
- *Residential*
- *No Job Too Big or Small*
- *Satisfaction Guaranteed*

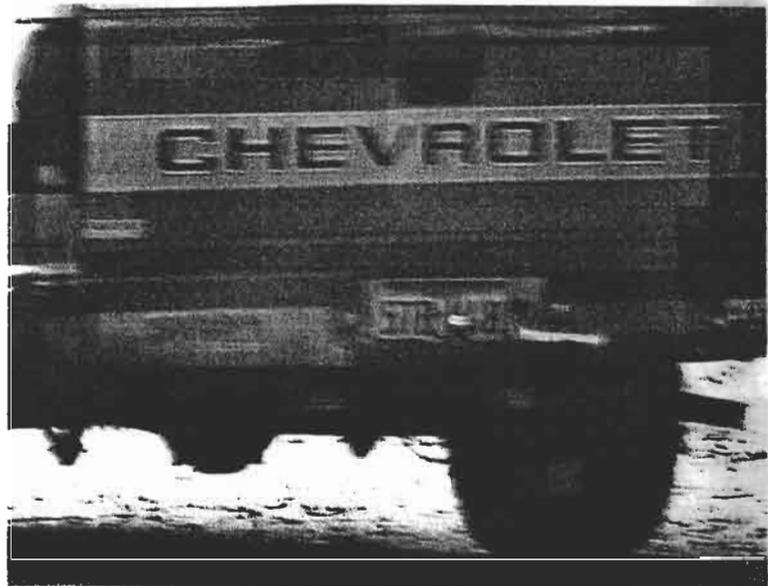
***For Fast Friendly Service***

***832-725-2876***

***Call Dwayne or Kevin***



1/14/2004 2:34:52 PM



1/14/2004 2:35:20 PM



1/14/2004 2:37:26 PM



1/14/2004 2:37:37 PM

# Jury Charges

# Misdemeanor Illegal Dumping

CAUSE NO. 9906879

THE STATE OF TEXAS	§	IN THE COUNTY CRIMINAL
VS.	§	COURT AT LAW NO. 1
CUSTOM-CRETE, INC.	§	OF HARRIS COUNTY, TEXAS

MEMBERS OF THE JURY:

You have found the Defendant, CUSTOM-CRETE, INC., guilty of the offense of illegal dumping. It now becomes your duty to assess punishment.

The punishment authorized for that offense is by a fine of not more than ten thousand dollars (\$10,000.00).

You are further instructed that in fixing the Defendant's punishment, which you will show in your verdict, you may consider all of the facts shown by the evidence admitted before you in the full trial of this case, all of the evidence admitted before you in the punishment phase of this case, and the law submitted to you in this charge.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given the testimony, but you are bound to receive the law from the court, which is herein given to you, and be governed thereby. In arriving at the amount of punishment, you are not to fix the same by lot, chance or any other method than by a full, fair and free exercise of the opinion of the individual jurors.

Your verdict must be unanimous.

The presiding juror's duty is to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you must have your presiding juror indicate the jury's verdict by signing the particular form or forms that coincide with your verdict.

After the court reads this charge, you may not separate from each other without the court's permission, nor may you talk with anyone not of your jury regarding this case. You may communicate with the court in writing, signed by your presiding juror,

through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the court concerning questions you may have.

VERDICT

---

ZINETTA BURNEY, JUDGE PRESIDING  
COUNTY CRIMINAL COURT AT LAW NO. 1  
HARRIS COUNTY, TEXAS

CAUSE NO. 9906879

THE STATE OF TEXAS  
VS.  
CUSTOM-CRETE, INC.

§  
§  
§

IN THE COUNTY CRIMINAL  
COURT AT LAW NO. 1  
OF HARRIS COUNTY, TEXAS

## VERDICT

We, the Jury, having found the Defendant, CUSTOM-CRETE, INC., guilty of the misdemeanor offense of illegal dumping, assess punishment at \$\_\_\_\_\_ fine.

\_\_\_\_\_  
Presiding Juror

incor  
Individual  
the court  
your deliberations and to vote  
are arrived at your verdict  
by signing the particu  
may not separate from each  
h anyone not of your jury  
in writing, signed by your p

# Misdemeanor Illegal Dumping

CAUSE NO. 1002482

THE STATE OF TEXAS  
V.  
PORT ARTHUR CORRUTHERS

§  
§  
§

IN THE COUNTY CRIMINAL  
COURT AT LAW NO. 10 OF  
HARRIS COUNTY, TEXAS

MEMBERS OF THE JURY:

The Defendant, PORT ARTHUR CORRUTHERS, stands charged by information with the offense of illegal dumping, alleged to have been committed in Harris County, Texas, on or about the 30th day of March, 2000. To this charge the Defendant has pled not guilty.

A person commits the offense of illegal dumping if the person disposes of litter at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state; or a person also commits the offense of illegal dumping if the person transports litter to a place that is not an approved solid waste site for disposal at the site.

"Approved solid waste site" means:

~~a solid waste site permitted by the Texas Water Commission or the Texas Department of Health;~~

a solid waste site licensed by a county under Chapter 361; or

a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

"Commercial purpose" means the purpose of economic gain.

"Dispose" and "dump" mean to discharge, deposit, inject, spill, leak, or place litter on or into land or water.

"Litter" means discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

Now therefore, if you believe from the evidence beyond a reasonable doubt, that the Defendant, PORT ARTHUR CORRUTHERS, in Harris County, Texas, on or about the 30th day

of March, 2000, did then and there unlawfully, for a commercial purpose transport litter, namely, tires, having an aggregate weight of more than five pounds, to a place that was not an approved solid waste site for disposal at the site, or if you believe from the evidence beyond a reasonable doubt, that the Defendant, PORT ARTHUR CORRUTHERS, in Harris County, Texas, on or about the 30th day of March, 2000, did then and there unlawfully, for a commercial purpose, dispose, allow, or permit the disposal of litter, namely, tires, having an aggregate weight of more than five pounds, at a place that was not an approved solid waste site, you will find the Defendant guilty.

If you do not so believe or if you have a reasonable doubt thereof you will find the Defendant not guilty.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at the person's trial. The law does not require a defendant to prove his or her innocence or produce any evidence at all.

The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence in the case. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his or her own affairs.

Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

In the event you have a reasonable doubt as to the defendant's guilt after considering all

the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "Not guilty."

You are instructed that the criminal information is not evidence of guilt. It is the means whereby a Defendant is brought to trial in a misdemeanor prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of this Defendant.

During your deliberations in this case, you must not consider, discuss or relate any matters not in evidence before you. You should not consider or mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired to your jury room, you should select one of your members as your foreperson. It is his or her duty to preside at your deliberations, vote with you and, when you have unanimously agreed upon a verdict, to certify to your verdict by signing the same as foreperson.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the evidence, but you are bound to receive the law from the Court, which is herein given to you, and be governed thereby. A form for your verdict is hereto attached; your verdict must be in writing and signed by your foreperson. Your sole duty at this time is to determine the guilt or innocence of the Defendant under the information in this case, and restrict your deliberations solely to the issue of guilt or innocence of the Defendant.

---

SHERMAN A. ROSS, JUDGE,  
COUNTY CRIMINAL COURT AT LAW NO. 10  
HARRIS COUNTY, TEXAS

CAUSE NO. 1002482

THE STATE OF TEXAS  
V.  
PORT ARTHUR CORRUTHERS

§  
§  
§

IN THE COUNTY CRIMINAL  
COURT AT LAW NO. 10 OF  
HARRIS COUNTY, TEXAS

**VERDICT**

We, the Jury, find the Defendant "Not Guilty."

---

FOREPERSON

We, the Jury, find the Defendant "Guilty."

---

FOREPERSON

ARTHUR

or about the 30th day

# Misdemeanor Illegal Dumping

CAUSE NUMBER 9846616

THE STATE OF TEXAS	§	IN THE COUNTY CRIMINAL
V.	§	COURT AT LAW NUMBER 2
L.T. BUTLER	§	OF HARRIS COUNTY, TEXAS

MEMBERS OF THE JURY:

You have found the Defendant, L.T. BUTLER, guilty of the offense of illegal dumping. It now becomes your duty to assess punishment.

The punishment authorized for that offense is by a fine of not more than four thousand (\$4,000.00) dollars, or by confinement in jail for not more than one year or by both such fine and confinement.

You are further instructed that in fixing the Defendant's punishment, which you will show in your verdict, you may consider all of the facts shown by the evidence admitted before you in the full trial of this case, all of the evidence admitted before you in the punishment phase of this case, and the law submitted to you in this charge.

As required by law, the Defendant has filed, before trial, an affidavit stating the Defendant has never been convicted of a felony in this or any other state.

The term "community supervision" means the placement of a Defendant by a court under a continuum of programs and sanctions, with conditions imposed by the court for a specified period during which a sentence of confinement, a fine, or confinement and fine is assessed and the imposition of confinement is suspended.

If you impose confinement, or confinement and a fine, as punishment and find the Defendant has never been convicted of a felony in this or any other state, you may recommend the jail time be suspended, and the Defendant be placed on community supervision.

The judge must suspend the sentence and place the Defendant on community supervision if the jury recommends it in their verdict. If you do not desire to suspend the sentence and place the Defendant on community supervision, you will say nothing in your verdict concerning the same.

If the jury recommends community supervision, the judge must determine the conditions of community supervision and the length of time the Defendant shall spend on community supervision. This period may not exceed two years. The judge may, at any time during the period of supervision, alter or modify the conditions. The judge may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the Defendant.

Therefore, if this jury shall find that the Defendant, prior to the trial beginning, filed a sworn motion for community supervision and that the Defendant has never before been convicted of a felony offense in this or any other State, you may in your verdict recommend community supervision.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given the testimony, but you are bound to receive the law from the court, which is herein given to you, and be governed thereby. In arriving at the amount of punishment, you are not to fix the same by lot, chance or any other method than by a full, fair and free exercise of the opinion of the individual jurors.

Your verdict must be unanimous.

The presiding juror's duty is to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you must have your presiding juror indicate the jury's verdict by signing the particular form or forms that coincide with your verdict.

After the court reads this charge, you may not separate from each other without the court's permission, nor may you talk with anyone not of your jury regarding this case. You may communicate with the court in writing, signed by your presiding juror, through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the court concerning questions you may have.

---

MICHAEL A. PETERS, JUDGE,  
COUNTY CRIMINAL COURT AT LAW NO. 2  
HARRIS COUNTY, TEXAS

illegal dumpin

THE STATE OF TEXAS  
V.  
L.T. BUTLER

§  
§  
§

IN THE COUNTY CRIMINAL  
COURT AT LAW NUMBER 2  
OF HARRIS COUNTY, TEXAS

## VERDICT

### CHOOSE ONE OF THE FOLLOWING

We, the Jury, having found the Defendant guilty of the misdemeanor offense of illegal dumping, assess punishment at \$\_\_\_\_\_ fine.

\_\_\_\_\_  
Presiding Juror

We, the Jury, having found the Defendant guilty of the misdemeanor offense of illegal dumping, assess punishment at confinement of \_\_\_\_\_ days in jail.

\_\_\_\_\_  
Presiding Juror

We, the Jury, having found the Defendant guilty of the misdemeanor offense of illegal dumping, assess punishment at a fine of \$\_\_\_\_\_ and confinement of \_\_\_\_\_ days in jail.

\_\_\_\_\_  
Presiding Juror



# Misdemeanor Water Pollution





"Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any of the water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or public enjoyment of the water for any lawful or reasonable purpose.

"Waste" means sewage, industrial waste, municipal waste, recreational waste, or other waste defined in the Texas Water Code.

"Other waste" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, salt water, or any other substance, other than sewage, industrial waste, municipal waste, recreational waste, or agricultural waste.

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

Therefore, if you believe from the evidence beyond a reasonable doubt, that the defendant, **LUDD LUCHENBILL** on or about the 6<sup>th</sup> day of December, 2000, did, in Harris County, Texas, unlawfully discharge or allow the discharge of a waste, namely other waste, namely gasoline and/or fuel, or pollutant, namely, gasoline and/or fuel, into water in the state, namely, a drainage ditch located near 900 West 15<sup>th</sup> Street, that caused or threatened to cause water pollution, said discharge not being in strict compliance with a required permit or with a valid and currently effective order issued or rule adopted by the appropriate regulatory agency, namely, the Texas Natural Resource Conservation Commission, then you will find the defendant "guilty".

If you do not so find, or if you have a reasonable doubt thereof, you will find the defendant "not guilty".

In our law it is a defense to prosecution that an indictment or information alleging a criminal act was brought after the expiration of the Statute of Limitation. It is appropriate, therefore, that the Court instruct you first on the law of Statutes of Limitation before instructing you further on the offense of unauthorized discharge.

You are instructed that under our law an indictment or information for any misdemeanor may be presented within two years from the date of the commission of the offense and not afterward. You are further instructed that the violation alleged in this case is a misdemeanor offense.

You are instructed that in determining whether the information in this case was filed within two years of the date of the offense, if any, you shall not compute any time during the pendency of an indictment or an information towards the two year limit.

The Court has taken judicial notice that each of the three criminal informations in evidence before you allege essentially the same offense and are pending. You are further instructed that the jury may, but is not required to, accept any fact judicially noticed.

In our law it is a defense to prosecution that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order.

Now, if you find from the evidence beyond a reasonable doubt that the defendant, [REDACTED] [REDACTED], did, on or about December 6, 2000, discharge or allow the discharge of a waste or pollutant, namely, gasoline and/or fuel, into water in the state, that caused or threatened to cause water pollution, but you further find from the evidence, or you have a reasonable doubt thereof, that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit, then you will find the defendant "not guilty" or if you have a reasonable doubt whether an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit, then the presumption of innocence requires that you find the defendant "not guilty".

You are instructed that the criminal information is the means whereby a defendant is brought to trial in a misdemeanor prosecution. It is not evidence of guilt and cannot be considered by you in determining the guilt or innocence of the defendant. Therefore, you will not consider the Information, or the fact that the defendant has been arrested, confined or charged with an offense as any evidence in this case. You will wholly disregard these matters

and pass upon the guilt or innocence of the defendant solely from the evidence given before you in the trial of the case and the law as given in the Court's charge.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at the person's trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all of the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "not guilty."

In deliberating upon this case, you must not refer to or discuss any matters not in evidence before you.

You must not arrive at your verdict by any lot or chance, or by putting down any figure and doing any dividing.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the evidence, but you are bound to receive the law from the Court, which is herein given to you, and be governed thereby.

After you have retired to your jury room, you should select one of your members as your foreperson. The duty of the foreperson is to preside over your deliberations, to vote with you and, when you have unanimously agreed upon a verdict, to certify to your verdict by signing the same as foreperson. Your verdict must be in writing. A form for your verdict is attached.

Should you desire to communicate with the Court pertaining to this case, such communications must be in writing and be signed by the foreperson and handed to the Bailiff.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the information in this case, and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

---

JAY KARAHAN, JUDGE  
COUNTY CRIMINAL COURT AT LAW NO. 8  
HARRIS COUNTY, TEXAS

CAUSE NUMBER 1157155

THE STATE OF TEXAS

§

IN THE COUNTY CRIMINAL

V.

§

COURT AT LAW NUMBER 8

**LUDD LUCHENBIL**

§

OF HARRIS COUNTY, TEXAS

**VERDICT**

We, the Jury, find the Defendant "Not Guilty."

---

FOREMAN

We, the Jury, find the Defendant "Guilty."

---

FOREMAN

Sample Grand  
Jury  
Subpoenas

**THE STATE OF TEXAS  
COUNTY OF HARRIS**

**IN THE MATTER OF A  
GRAND JURY INVESTIGATION**

TO THE SHERIFF OR ANY OTHER TEXAS PEACE OFFICER

Agency: HCCO #1 OR#: 0302191431

**GREETINGS:**

WHEREAS the grand jury of Harris County is inquiring into certain offenses liable to indictment; and

WHEREAS Art. 20.10 of the Texas Code of Criminal Procedure provides that the attorney representing the state, in term time or in vacation, may issue a summons or an attachment for any witness in the county, which summons or attachment may require the said witness to appear before the grand jury at a time fixed, or forthwith, without stating the matter under investigation; and

WHEREAS any Texas peace officer receiving this process shall execute the same forthwith by reading the same in the hearing of the said witness or by delivering a copy of this process to the named witness and thereafter due return make showing the time and manner of service, if served, and if not served, said officer shall show in his return the cause of his failure to serve it; and if the witness could not be found, he shall state the diligence he has used to find him, and what information he has as to the whereabouts of the witness;

NOW THEREFORE YOU ARE HEREBY COMMANDED to forthwith summon, **CUSTODIAN OF RECORDS, GARNER, ENVIRONMENTAL SERVICES, 1717 W.13<sup>TH</sup> STREET, DEER PARK, TX 77536**, to appear before the **337TH** Judicial District Court Grand Jury for the **AUGUST** Term, **2004**, at 1201 Franklin, 3<sup>rd</sup> Floor, Rm. 3034, Houston, Texas, **INSTANTER**.

FURTHER, you are directed that the said witness shall bring with him the following writing or other thing desired as evidence in accordance with Article 24.02 or the Texas Code of Criminal Procedure, and more specifically described as follows:

**CUSTODIAN OF RECORDS, GARNER ENVIRONMENTAL SERVICES, 1717 W.13<sup>TH</sup> STREET, DEER PARK, TX 77536 \*\*PLEASE PROVIDE THE DOCUMENTS AND RECORDS REQUESTED BELOW:**

Please provide all documents and /or records, whether they are in written form, on computer memory or on electronic disk, regarding the following:

1. All documents and/or records related to Garner Environmental Services' (hereinafter Garner) response, remediation, handling and/or disposal of any substance(s), wastes, pollutants, or contaminants located near 1407 Pennsylvania in South Houston, Texas on or about October 6, 2002. The business operating near this location is Specialty Chemical Products, Inc. The subpoenaed information includes but is not limited to the following:

Contracts; trip tickets; manifests; receipts; photos; diagrams; sampling information and sampling locations; sampling results; laboratory information including chain of custody, analysis, results, quality control documentation, and laboratory reports; waste characterizations or determinations; remediation methods employed and all recorded observations made by Garner personnel; all documents that contain any explanation or description of the release(s) by Specialty Chemical Product's personnel, representative, spokesperson, subcontractor, or any other witnesses to the incident(s); documents related to the amount or estimated amount of the substance(s), wastes, pollutants or contaminants released, disposal records including the amount of the substance recovered and disposed of; documents that assess the potential for environmental damage and/or environmental damage resulting from the incidents; and documents related to the costs of the projects.

2. All documents and/or records related to the composition, makeup, description or identity of the substances(s), wastes, pollutants, or contaminants found at the property/facility located near 1407 Pennsylvania, South Houston, Texas on or about October 6, 2002.

3. All documents and/or records related to protocol or procedures used by Garner Environmental in the sampling of the wastes, pollutants or contaminants near said facility on said date. Please also include all documents and/or records related to protocol or procedures used by Garner in the sampling of the unknown wastes generally; if they are different from the remediation that took place near said facility on said date.
4. All documents and/or records, including e-mails, faxes, written communications, and all other correspondences between Garner and Specialty Chemical Products that address or reference the cleanup/remediation of wastes at said facility on said date.
5. Please provide the name(s) and contact information (addresses and telephone numbers) of the local custodian(s) of records for the requested documents, records, and/or materials. Please also provide the name(s) of all Garner personnel, employees, and/or subcontractors who participated in the investigation and remediation of said facility on said date.

The officer receiving this process is instructed to inform said witness that our law provides that a witness who refuses to obey a subpoena may be fined, or an attachment may be issued commanding an officer to take the body of the witness and bring him before the court or the grand jury forthwith. A witness has refused to obey a subpoena if he is not in attendance on the day set for attendance or if the witness refuses without legal cause to produce evidence in his possession which he has been summoned to bring with him and produce.

HEREIN FAIL NOT, and due return make of this process in accordance with law as provided in such cases.

WITNESS MY SIGNATURE, on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**SEAL**

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Assistant District Attorney  
Belinda Smith  
Harris County, Texas

## AGREEMENT OF NONDISCLOSURE

The undersigned assistant district attorney, having determined that the disclosure of grand jury information was necessary to assist the undersigned assistant district attorney in the performance of his or her duties, has asked me to review certain information, described more particularly below, which was obtained by grand jury subpoena.

I acknowledge that the undersigned assistant district attorney has warned me that, pursuant to state law, the proceedings of the grand jury are secret. I acknowledge that the undersigned district attorney has warned me that the penalty for unauthorized disclosure of information obtained pursuant to grand jury proceedings is contempt of court and that a finding of contempt by the court for unauthorized disclosure of such information may result in a fine "not exceeding \$500.00 or imprisonment not exceeding thirty days, or both such fine and imprisonment."

Further, I acknowledge that receipt of this information places me in the chain of custody requiring that I maintain exclusive care, custody and control of this information. I agree to keep this information in a constant secure status and allow no one else access to this information.

The following is a list of the information, documents or items that I have agreed to review:

CUSTODIAN OF RECORDS, GARNER ENVIRONMENTAL SERVICES, 1717 W. 13<sup>TH</sup> STREET, DEER PARK, TX 77536 \*\*PLEASE PROVIDE THE DOCUMENTS AND RECORDS REQUESTED BELOW:

Please provide all documents and /or records, whether they are in written form, on computer memory or on electronic disk, regarding the following:

1. All documents and/or records related to Garner Environmental Services' (hereinafter Garner) response, remediation, handling and/or disposal of any substance(s), wastes, pollutants, or contaminants located near 1407 Pennsylvania in South Houston, Texas on or about October 6, 2002. The business operating near this location is Specialty Chemical Products, Inc. The subpoenaed information includes but is not limited to the following:

Contracts; trip tickets; manifests; receipts; photos; diagrams; sampling information and sampling locations; sampling results; laboratory information including chain of custody, analysis, results, quality control documentation, and laboratory reports; waste characterizations or determinations; remediation methods employed and all recorded observations made by Garner personnel; all documents that contain any explanation or description of the release(s) by Specialty Chemical Product's personnel, representative, spokesperson, subcontractor, or any other witnesses to the incident(s); documents related to the amount or estimated amount of the substance(s), wastes, pollutants or contaminants released, disposal records including the amount of the substance recovered and disposed of; documents that assess the potential for environmental damage and/or environmental damage resulting from the incidents; and documents related to the costs of the projects.

2. All documents and/or records related to the composition, makeup, description or identity of the substances(s), wastes, pollutants, or contaminants found at the property/facility located near 1407 Pennsylvania, South Houston, Texas on or about October 6, 2002.

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4. All documents and/or records, including e-mails, faxes, written communications, and all other correspondences between Garner and Specialty Chemical Products that address or reference the cleanup/remediation of wastes at said facility on said date.

5. Please provide the name(s) and contact information (addresses and telephone numbers) of the local custodian(s) of records for the requested documents, records, and/or materials. Please also provide the name(s) of all Garner personnel, representative, subcontractors, and any agent acting on behalf of Garner, who participated in the investigation and remediation of said facility on said date.

I hereby acknowledge, by my signature, that I have read, understand and will comply with this agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recipient's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant District Attorney

**OFFICERS RETURN**  
**Agency: HCCO #1, OR#: 0302191431**

This subpoena for the compulsory attendance of a witness before the grand jury was received on the \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_, and executed by serving the witness \_\_\_\_\_ with a copy of this  
instrument on the \_\_\_\_\_ day \_\_\_\_\_, \_\_\_\_\_.

This process was received on the above date but was not executed for the following reasons:

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\_\_\_\_\_  
**OFFICER MAKING RETURN**

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAY 19 1997  
FBI - MEMPHIS

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAY 19 1997  
FBI - MEMPHIS

**THE STATE OF TEXAS  
COUNTY OF HARRIS**

**IN THE MATTER OF A  
GRAND JURY INVESTIGATION**

TO THE SHERIFF OR ANY OTHER TEXAS PEACE OFFICER

Agency: HCCO OR#: 21489

**GREETINGS:**

WHEREAS the grand jury of Harris County is inquiring into certain offenses liable to indictment; and

WHEREAS Art. 20.10 of the Texas Code of Criminal Procedure provides that the attorney representing the state, in term time or in vacation, may issue a summons or an attachment for any witness in the county, which summons or attachment may require the said witness to appear before the grand jury at a time fixed, or forthwith, without stating the matter under investigation; and

WHEREAS any Texas peace officer receiving this process shall execute the same forthwith by reading the same in the hearing of the said witness or by delivering a copy of this process to the named witness and thereafter due return make showing the time and manner of service, if served, and if not served, said officer shall show in his return the cause of his failure to serve it; and if the witness could not be found, he shall state the diligence he has used to find him, and what information he has as to the whereabouts of the witness;

NOW THEREFORE YOU ARE HEREBY COMMANDED to forthwith summon, **Custodian of Records for Meridian Homes, 9186 Old Katy Road, Suite 200, Houston, Texas 77055**, to appear before the **230th** Judicial District Court Grand Jury for the **May Term, 2002**, at 1201 Franklin, 3<sup>rd</sup> Floor, Rm. 3031, Houston, Texas, at **9 a.m. on July 29, 2002**.

FURTHER, you are directed that the said witness shall bring with him the following writing or other thing desired as evidence in accordance with Article 24.02 or the Texas Code of Criminal Procedure, and more specifically described as follows:

Please provide all documents and/or records whether they be in written form, on computer memory or on electronic disk, regarding payroll records of all employees, contractors, and subcontractors of Meridian Homes located in Harris County, Texas. Time period requested is from September 2001 until and including November 2001.

Please provide all documents and /or records whether they be in written form, on computer memory or on electronic disk, regarding personnel files for all employees, contractors, and subcontractors employed by Meridian Homes at the Autumn Run Residential Subdivision located in Harris County, Texas.(This includes but is not limited to the employees' job description, duties, employment contracts, payroll records, disciplinary reports, sanctions and/or reprimands.) Time period requested is from September 2001 until and including November 2001.

Please provide all documents, reports and /or records whether they be in written form, on computer memory or on electronic disk, regarding an incident of illegal dumping of solid waste at 6600 Valerian, Katy, Texas 77449 on or about October 4, 2001.

The officer receiving this process is instructed to inform said witness that our law provides that a witness who refuses to obey a subpoena may be fined, or an attachment may be issued commanding an officer to take the body of the witness and bring him before the court or the grand jury forthwith. A witness has refused to obey a subpoena if he is not in attendance on the day set for attendance or if the witness refuses without legal cause to produce evidence in his possession which he has been summoned to bring with him and produce.

HEREIN FAIL NOT, and due return make of this process in accordance with law as provided in such cases.

WITNESS MY SIGNATURE, on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**SEAL**

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**Assistant District Attorney**  
**Belinda Ann Smith**  
Harris County, Texas

## AGREEMENT OF NONDISCLOSURE

The undersigned assistant district attorney, having determined that the disclosure of grand jury information was necessary to assist the undersigned assistant district attorney in the performance of his or her duties, has asked me to review certain information, described more particularly below, which was obtained by grand jury subpoena.

I acknowledge that the undersigned assistant district attorney has warned me that, pursuant to state law, the proceedings of the grand jury are secret. I acknowledge that the undersigned district attorney has warned me that the penalty for unauthorized disclosure of information obtained pursuant to grand jury proceedings is contempt of court and that a finding of contempt by the court for unauthorized disclosure of such information may result in a fine "not exceeding \$500.00 or imprisonment not exceeding thirty days, or both such fine and imprisonment."

Further, I acknowledge that receipt of this information places me in the chain of custody requiring that I maintain exclusive care, custody and control of this information. I agree to keep this information in a constant secure status and allow no one else access to this information.

The following is a list of the information, documents, or items that I have agreed to review:

Please provide all documents and /or records whether they be in written form, on computer memory or on electronic disk, regarding payroll records of all employees, contractors, and subcontractors of Meridian Homes located in Harris County, Texas. Time period requested is from September 2001 until and including November 2001.

Please provide all documents and /or records whether they be in written form, on computer memory or on electronic disk, regarding personnel files for all employees, contractors, and subcontractors employed by Meridian Homes at the Autumn Run Subdivision located in Harris County, Texas. (This includes but is not limited to the employees' job description, duties, employment contracts, payroll records, disciplinary reports, sanctions and/or reprimands.) Time period requested is from September 2001 until and including November 2001.

Please provide all documents, reports and /or records whether they be in written form, on computer memory or on electronic disk, regarding an incident of illegal dumping of solid waste at 6600 Valerian, Katy, Texas 77449 on or about October 4, 2001.

I hereby acknowledge, by my signature, that I have read, understand and will comply with this agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recipient's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assistant District Attorney

**OFFICERS RETURN**

This subpoena for the compulsory attendance of a witness before the grand jury was received on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by serving the witness \_\_\_\_\_ with a copy of this instrument on the \_\_\_\_\_ day of \_\_\_\_\_.

This process was received on the above date but was not executed for the following reasons:

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\_\_\_\_\_  
**OFFICER MAKING RETURN**

...whether they be in written form, on computer...  
...6610 Valerian, Katy, Texas...  
...that our law provides that...  
...commanding an officer to...  
...refused to obey...  
...refuses without legal cause...

Larry Stone –  
Outdoor  
Burning

HARRIS COUNTY POLLUTION CONTROL DIVISION COMPLAINT

DATE: 3/12/04 DAY: Fri TIME: 8:05 AM BY: N. Cobb

NAME: Mr. Anonymous PHONE: N/given

ADDRESS: N/A ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

REFERRED BY: AGENCY: \_\_\_\_\_ PERSON: \_\_\_\_\_

COMPLAINT RECEIVED BY REFERRING AGENCY: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

TYPE OF POLLUTION: WATER:  AIR:  SOLID WASTE:  OTHER: \_\_\_\_\_

NATURE: Outdoor burning PROPERTY TYPE: Residential

COMPLAINT AND LOCATION: states that residents at 319 Magnolia demolished a house, place waste in a hole and now burning it

KEY MAP: 495A

GIVEN TO: Genz BY: Camp AT: 8:30 AM DATE: 3/12/04

INVESTIGATION: DATE: 3-12-04 TIME SPAN: FROM: 9:00 AM TO: 3:30 PM

WIND FROM: Variable SPEED: 5-10 MPH WEATHER CONDITIONS: cloudy

COMPLAINANT CONTACTED: NO

TYPE OF POLLUTION: WATER:  AIR:  SOLID WASTE:  OTHER: \_\_\_\_\_

NATURE: Outdoor Burning PROPERTY TYPE: Residence

SUBJECT OF REPORT: Larry and Nina Stone

VIOLATION ALLEGED: 30 TAC 111.201 VN Cited in field

SYNOPSIS OF INVESTIGATION: See Report

HARRIS COUNTY PUBLIC HEALTH & ENVIRONMENTAL SERVICES  
 POLLUTION CONTROL DIVISION  
 P.O. Box 6031, Pasadena, Texas 77506  
 Phone: (713) 920-2831 Fax: (713) 477-8963



**-DRAFT-**

**OUTDOOR BURNING VIOLATION NOTICE**

Date: 3-12-04 \* Time: 9:08 AM/PM 9:30 AM/PM  
 Subject ID No.: 9994 Key Map: 499A  
 \* Name: Nina Stone Photo(s): 1  
 Mailing Address: 309 Magnolia Ave Channelview 77530  
 Person Contacted: Nina + Larry Stone Title: Property owner  
 Phone No.: (281) 452-2488 DOB: 6/29/59  
 TDL/ID NO: 08319291 Ht: NA Wt: N/A Eyes: Blue Hair: Brown  
 WEATHER: Cloudy WIND DIRECTION: NE SPEED: 5-10 MPH  
 Location of fire: Front of property  
 Use of property: Private Residence Did contents of fire originate on site: \_\_\_\_\_  
 Size of fire: Length: 20' Width: 10' Height: 5'  
 Emissions: Intensity: Moderate Color: White  
 Contents of fire: Wood, PVC, Cardboard (Burned down house)  
 Does local utility district provide trash collection? YES  NO  N/A  NAME: WKID #21  
 Who set fire: Owners Why: for disposal (did not know illegal)  
 Resolution: Channelview Will let burn out & determine disposal at a later

An inspection by a Harris County Pollution Control Investigator revealed the following violation(s) of the Texas Clean Air Act (Chapter 382 of the Texas Health and Safety Code).

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. 30 Texas Administrative Code, Section 111.201

Description of Violation: Illegal outdoor burning of wood, paper, cardboard, Burned down house was occurring (occurred) at 309 Magnolia

No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. 30 Texas Administrative Code, Section 101.4

Description of Violation: \_\_\_\_\_ from the fire was in such concentration and of such duration as to interfere with the normal use and enjoyment of property located in the \_\_\_\_\_ block of \_\_\_\_\_.

**You are hereby notified to abate the above violation(s) immediately. You are requested to inform this office in writing within 10 days of steps being taken to eliminate the cause of the violation(s) and to prevent recurrence. Under the Clean Air Act, you are subject to civil penalties of \$50 to \$25,000 per day and/or criminal penalties of \$500 to \$100,000 per day or more for each violation. A case by case review is conducted when each Violation Notice is issued. The ultimate disposition of each case is dependent upon factors such as the nature, magnitude and duration of the violation, steps taken to mitigate the violation, previous violations, and the contents of any response received. In the event that further enforcement action is appropriate, this office may file criminal charges in County Criminal Court, or request that the County Attorney file a civil suit in the Harris County Civil District Courts, or both, as provided by law.**

If you have any questions concerning this Violation Notice, or wish to arrange a conference to discuss any compliance plan, please call the undersigned investigator at (713) 920-2831.

Received by: Nina Stone  
 Signature

Issued by: Nancy Genz  
 Investigator Signature/Print

REINSPECTION: YES  NO

GFR/slv 1.07.03

Carbon given to subject

TARGET DATE: 3-22-04

see  
 \* Subject on Report and corrective investigation time.

EJ

**HARRIS COUNTY POLLUTION CONTROL DIVISION**

**OUTDOOR BURNING REPORT**

**INVESTIGATION DATE: March 12, 2004**

**TIME: 9:00 AM to 3:30 PM**

**ID 9994**  
**Larry and Nina Stone**  
**309 Magnolia**  
**Channelview, TX 77530**

**LOCATION OF INVESTIGATION: 309 Magnolia**

**KEY MAP: 499 A**

**PERSON CONTACTED: Larry and Nina Stone TELEPHONE NUMBER: (281) 452-2488**

**TITLE: Property Owners**

**WEATHER: Cloudy WIND DIRECTION: Variable SPEED: 5-10 MPH**

**DOB: 06/29/59 TDL#: 08319291 PHYSICAL DESCRIPTION: Brown Hair, Blue Eyes,  
~5'6", ~180 lbs, White Female (Nina Stone)**

**INVESTIGATOR: Nancy Genz PHOTOS: 12**

**NATURE OF INVESTIGATION: Air - Outdoor Burning - Residence**

**VIOLATION: 30 TAC, Section 111.201 VN CITED IN FIELD**

**NARRATIVE:** I received a complaint from Field Supervisor, Greg Camp while in the field, alleging that residents at 319 Magnolia were burning a demolished house in a hole. When I arrived, I entered an adjacent driveway and met a woman who introduced herself as Nina Stone, co-owner of the property with her husband, Larry Stone. The property address was 309 Magnolia, not 319 Magnolia. I introduced myself and explained the complaint and the burn regulations. While speaking to Mrs. Stone, I observed Mr. Stone operating a backhoe on a concrete slab of a burned down, demolished house. In

## OUTDOOR BURNING REPORT

Larry and Nina Stone

March 12, 2004

Page 2

front of the slab was an estimated 30' x 20' x 5' pit, approximately 1/2 full of burning wood frame, pvc pipe, cardboard boxes, and other construction debris. I also observed 3 Hispanic males pulling metal out of the debris on the slab and throwing lumber into the burn pit. Mrs. Stone informed me that their house burned down last year and they finally settled with the insurance company, but could not afford to dispose of the debris any other way. She told me that the Channelview VFD told her that they could burn the wood pieces of the house. I told Mrs. Stone that they must find another method of disposal and suggested a roll off box. She began to speak in a louder, more sarcastic tone and explained that a roll off box would cost 1000 dollars and they could not afford it. She then asked how much money it would take for me to leave and come back later. I told Mrs. Stone that I could not accept any money from her. After asking them to stop adding debris to the burn pit, the Hispanic men continued. Mr. Stone laughed and said that he cannot tell them to stop because he did not know Spanish. I asked the men in Spanish not to add any more debris. Mr. Stone stated that he would bury the remainder of the debris. I told the Stones that they could not bury any of it. Mrs. Stone began to argue that they could bury anything they want on their own property. I explained the solid waste regs and why it was illegal to bury material for disposal unless it was an authorized landfill. A young man (name unknown) began to extinguish the fire with a water hose. I informed them that they could let the fire burn out and I would return to make sure the debris was not buried. I issued an outdoor burning violation notice and left the site at 9:30 a.m.

Elizabeth Guynn, HCPC Training Coordinator called me at approximately 10:00 a.m. and informed me that the complainant called her and told her that Mr. Stone was adding more debris to the fire with the back hoe. I returned to the site at 10:21 a.m. Mr. Stone was operating the backhoe and was

## **OUTDOOR BURNING REPORT**

**Larry and Nina Stone**

**March 12, 2004**

**Page 3**

alone at the site. When he saw me, he turned off the backhoe and met me in the front of the driveway. The pit was completely stuffed with actively burning demolition debris, including painted wood, fiberglass insulation, pvc pipe, and other unidentified melted plastic pieces. The smoke emissions were thick and black. Mr. Stone began to extinguish the fire and did not say anything. I requested that he extinguish the fire and remove all debris from the pit. I told him that I would be nearby and would return throughout the day to check his progress.

Elizabeth Guynn called me back at approximately 12:30 p.m. and informed me that the complainant called back again and told her that the Stones were still burning, and now the smoke was causing a nuisance. I went back to the site at approximately 1:00 p.m. When I arrived, there were several people, including Mr. and Mrs. Stone standing around the burn pit. The fire was still actively burning, and none of the debris had been removed from the burn pit. Some of the wood debris appeared to have been recently added to the fire. Mrs. Stone approached me and again told me that they had permission to burn from the Channelview VFD Fire Chief, James Nelson and they would not extinguish the fire. Mrs. Stone repeatedly stated that I had no authority to tell them to put the fire out and I needed a badge to even be there. I showed her my Harris County Employee badge and my Harris County PHES Pollution Control badge. She said that anyone can make a badge and it did not mean anything to her. Several people began to question my authority at the same time. They repeatedly asked me when burning became illegal and what authority I had to be there. One of the men at the site was identified by Mrs. Stone as a Channelview Volunteer Fire Man. I observed the man standing on the edge of the burn pit with his arms crossed. She asked him to call Chief Nelson again so I could hear from him that it was

## OUTDOOR BURNING REPORT

Larry and Nina Stone

March 12, 2004

Page 4

legal to burn the debris. He called Chief Nelson and I heard the unidentified fireman say that the Harris County Fire Marshall even says that they can burn the wood. He also said that EPA overrules the VFD. I felt uncomfortable with the hostility and got in my vehicle and called Elizabeth Guynn to request backup. She called the Harris County Environmental Constable's office, who dispatched Deputy Bill Warden to the site. At the request of one of the men at the site, I moved my vehicle from their driveway to the street. Mrs. Stone approached me and yelled at me to move my vehicle because I was causing a road hazard. She tried to open my locked passenger door. I got out of my vehicle and asked her not to touch my truck. She continued in a loud voice telling me that I had no authority to be there and did not even know who "public health" was. I encouraged her to call my office to verify my authority. I got back in my vehicle and waited for Deputy Warden to arrive. While I waited, the volunteer fireman who was at the site earlier left and returned with a pumper truck. He began to extinguish the fire. Fire Chief Nelson arrived while the fire was being extinguished. He first went to the burn pit and looked in. He then approached me and told me that he gave them permission to "burn some wood", but admitted that they were burning more than just wood and he had no idea that they were burning the demolition debris. I explained that burning anything other than normal domestic waste for disposal was illegal. I asked if he was aware of the burn regulations in Texas. He stated that he may not be as aware of them as he should be. I informed him that I would drop a copy of the regs off at his fire station on Ridlon. Deputy Warden and Assistant District Attorney, Roger Haseman arrived at 2:20 p.m. Deputy Warden began to question some of the people at the site. He obtained the drivers licenses of everybody involved (see attached summary of facts). After approximately one hour, Deputy Warden called a Harris County

**OUTDOOR BURNING REPORT**

**Larry and Nina Stone**

**March 12, 2004**

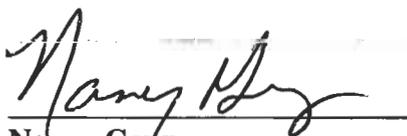
**Page 5**

Constable patrol car and took Mr. and Mrs. Stone into custody for illegal outdoor burning and illegal disposal of solid waste. I asked Chief Nelson if he could make sure the fire was extinguished. He stated that he would. I called the HCPC office and asked if they could send an investigator to make sure that the fire was extinguished. Investigator Kathy Hopson arrived at the site at approximately 4:15 p.m. She stated that the fire was extinguished by 5:00 p.m. (see attached ROTC). Investigator Lawson Howard returned to the site on March 14, 2004. He did not observe any illegal activity at that time (see attached ROTC by Lawson Howard).

Investigator II, Omar Garcia returned to the site on Wednesday, March 17, 2004 to conduct a reinspection and observe cleanup operations. He informed me that the pit had been back filled with dirt and the demolition debris had been completely removed from the site by Old Orchids Construction. Mr. Garcia stated that Mr. Stone told him that he would send all disposal receipts and pictures of the cleanup operations to me. I will review all paperwork to determine compliance during my compliance verification.

**DOES THIS INVESTIGATION WARRANT A REINSPECTION: Yes**

**TARGET DATE: March 23, 2004**



**Nancy Genz**  
**Senior Investigator**

**NRG/sly** ✿  
**Attachments**



HARRIS COUNTY POLLUTION CONTROL DIVISION

RECORD OF TELEPHONE CALL

DATE: 3-14-04

TIME: 6:15 p.m.

TO / FROM: K. Hopson

PHONE NO.:

REPRESENTING:

SITE LOCATION: 309 Magnolia 499A

PERMIT NO.: ID NO.: VOICE MAIL: Y N TIME:

SUBJECT: 309 Magnolia

I inspected the site at 309 Magnolia on Sunday 3-14-04. I did not observe any burning or evidence of the property owners attempting to bury the remains of the house. The remains were observed above ground. Heavy rain events occurred Saturday and Sunday.

Investigator: L. Howard

Final Report Requested:

COPIES TO:



HARRIS COUNTY POLLUTION CONTROL DIVISION

RECORD OF TELEPHONE CALL

DATE: 3-12-04

TIME: 4:00 PM

Fire Chief

TO / FROM: James Michael Nelson PHONE NO.:

REPRESENTING: Channelviews Fire Dept.

SITE LOCATION:

PERMIT NO.: ID NO.: VOICE MAIL:  N TIME:

Subject: Larry and Nina Stone

SUBJECT: Outdoor Burning at 309 Magnolia Chevmap 499A

I proceeded to 309 magnolia to make sure that a fire, which consisted of the remains of the property owner's home, was extinguished. When I arrived at the site I found that the Channelviews F.D. had already responded. I spoke with Fire Chief, James Nelson who informed me that the fire was out, and they were putting the last load of water on it. Once finished extinguishing the fire, Mr. Nelson used a bulldozer to remove some of the large debris from the pit it was burning in, and placed it back on the cement slab the house was once on. Mr. Nelson felt confident that the fire would not spark up, and informed me the fire depart. would be leaving the site shortly.

Investigator: B. Hopson Final Report Requested:

COPIES TO:

# ENVIRONMENTAL ENFORCEMENT DIVISION REPORT

## CASE IDENTIFICATION INFORMATION:

E.E.D. CASE #: 2400 CITATION #:  
COUNTY CASE #: 0403125965 D.A.TRANSACTION #: 940100  
RECEIVED DATE: 3/12/04 @ 1200 HRS. INVESTIGATOR: BW  
INVESTIGATED DATE: 3/12/04 @ 1200 HRS. CHARGES FILED: 4/A  
G.P.S. LOCATION:

## SITE INFORMATION:

LOCATION: 309 MAGNOLIA KEY MAP: 499A  
DESCRIPTION OF SCENE:

## WITNESS/REPORTEE: R01

NAME: GENZ, NANCY DOB: / / RACE: SEX:  
HOME ADDRESS: CITY: STATE: ZIP:  
HOME PHONE: - - WORK PHONE: 713-920-2831 EXT.  
PLACE OF EMPLOYMENT: HARRIS COUNTY POLLUTION CONTROL OCCUPATION:  
INVESTIGATOR  
WORK ADDRESS: CITY: STATE: ZIP:  
DRIVER LICENSE #: STATE: ID. #: STATE:  
SOCIAL SECURITY #: - -

## SUSPECT INFORMATION: S01

NAME: STONE, LARRY WAYNE DOB: 10/31/58 RACE: W SEX: M  
HOME ADDRESS: 309 MAGNOLIA CITY: CHANNELVIEW STATE: TX ZIP: 77530  
HOME PHONE: 281-452-2488 WORK PHONE: - - EXT.  
PLACE OF EMPLOYMENT: OCCUPATION:  
WORK ADDRESS: CITY: STATE: ZIP:  
DESCRIPTION: HEIGHT: WEIGHT: HAIR: EYES:  
DRIVER LICENSE #: 05781263 STATE: TX ID. #: TX03324046 STATE: TX  
SOCIAL SECURITY #: 459-15-4675 SPN #: 00377445 FBI #: 805495CA9

## SUSPECT COMPANY INFORMATION:

NAME: TYPE:  
REGISTERED AGENT: PHONE: - - EXT.

## VEHICLE INFORMATION:

YEAR: MAKE: MODEL: STYLE: COLOR: /  
LICENSE NUMBER: STATE: VIN:

## PHOTO/VIDEO INFORMATION: DIGITAL

PHOTO ATTACHED: X TYPE: QUANTITY: SITE SAFETY PLAN:

## NOTES:

## SUSPECT MATERIAL INFORMATION:

TYPE:  
SOLID: WATER: AIR: OTHER:  
CLASSIFICATION:

HAZARDOUS:           NON-HAZARDOUS:           OTHER:  
QUANTITY:  
CONTAINERS:  
ACCUMULATION DATE: - - - SITE:  
COMPANY CONDUCTING TEST:  
ADDRESS:           CITY:           STATE:           ZIP:  
TELEPHONE:       - - - EXT.  
CONTACT PERSON:           TITLE:

**PROPERTY OWNERSHIP INFORMATION: RES**

OWNER: STONE,LARRY WAYNE  
ADDRESS:           CITY:           STATE:           ZIP:  
TELEPHONE: HOME:   - - - WORK:   - - - EXT.  
CONTACT PERSON:           TITLE:  
TELEPHONE: HOME:   - - - WORK:   - - - EXT.

**INVESTIGATIVE NOTES: REFER TO HARRIS COUNTY CAD#0403125965 FOR DETAILS**

REPORT: DIM601  
DATE: 03/12/2004

JUSTICE INFORMATION MANAGEMENT SYSTEM  
D.A. INTAKE MANAGEMENT SYSTEM  
PROBABLE CAUSE INFORMATION

PAGE: 1  
TIME: 18:34

TRANSACTION NUMBER: 940100

DA LOG NUMBER: 940100

DISTRICT ATTORNEY.: HASEMAN, ROGER

DA SPN: 059197800

IN CUSTODY: Y

TOTAL # OF CHARGES: 2

DEFENDANT: STONE, LARRY WAYNE

RACE: W SEX: M DOB: 10/31/1958 SPN: 00577445 AFIS # 251040312047

ADDRESS: 309 MAGNOLIA

CITY...: CHANNELVIEW, TX

ZIP: 77530-

PHONE...: (281) 452-2488

CO-DEFENDANT: STONE, NINA W/F, 06/29/1959

DATE OF ARREST: 03/12/2004

ARREST TIME: 1520

POLICE AGENCY.: CONSTABLE PRECINCT 1 (HARRIS COUNTY)

OFFICER NAME...: WARDEN, WILLIAM MCLE

OFFICER PHONE: (713) 755-7628

PAYROLL NUMBER: 467863144

BADGE NUMBER...: 81E56

BEEPER NUMBER...: (713) 607-0359

FAX NUMBER...: (281) 371-3515

FAX LOCATION...: HC ANNEX 86

CHARGE(1): AIR POLL/OUTDR BURN MISDEMEANOR  
HATE CRIME: N

BOND AMOUNT: \$1,500

CJIS TRACKING #...: 9034757471-A001

OFFENSE REPORT #...: 0403125965

DATE OF OFFENSE...: 03/12/2004

ADDRESS OF OFFENSE: 309 MAGNOLIA

OFFENSE CITY.....: CHANNELVW, TX

ZIP: 77530-

PROTECTIVE ORDER REQUESTED:

CHARGE(2): ILL/DISP SOLID WASTE MISDEMEANOR  
HATE CRIME: N

BOND AMOUNT: \$1,500

Offense Summary of Facts

CJIS TRACKING #...: 9034757471-A002  
OFFENSE REPORT #...: 0403125965  
DATE OF OFFENSE...: 03/12/2004  
ADDRESS OF OFFENSE: 309 MAGNOLIA  
OFFENSE CITY.....: CHANNELVW, TX ZIP: 77530-

PROTECTIVE ORDER REQUESTED:

COMPLAINANT/WITNESS (1): STATE OF TEXAS

DAMAGE/RESTITUTION:

TOTAL RESTITUTION (AMOUNT OF DAMAGE): \$.00

DESCRIPTION OF PROPERTY	VALUE
-------------------------	-------

\*\*\*\*\*  
 \* NCIC CHECK: CLEAR: ATTACHED: \*  
 \* JIMS CHECK: CLEAR: ATTACHED: \*  
 \*\*\*\*\*

SUMMARY OF FACTS:

NANCY GENZ, A SR. INVESTIGATOR WITH HC POLLUTION CONTROL WAS DISPATCHED TO THE SCENE OF AN ILLEGAL BURNING. THE COMPLAINT CAME IN TO HCPC AS AN ANONYMOUS COMPLAINT. INVESTIGATOR GENZ ARRIVED AT THE SCENE LOCATED AT 309 MAGNOLIA IN CHANNELVIEW TEXAS, AT 0900HRS. INVESTIGATOR GENZ IDENTIFIED HERSELF AS AN AUTHORIZED REPRESENTATIVE OF THE STATE OF TEXAS, UNDER 26.173 OF THE TEXAS WATER CODE, TEXAS HEALTH AND SAFETY CODE 361.032 AND 382.111 TO MAKE INSPECTIONS. LARRY WAYNE STONE AND HIS SPOUSE NINA LYNN STONE WERE ADVISED TO CEASE BURNING BY WRITTEN OUTDOOR BURNING NOTICE ISSUED AT 09:30A INVESTIGATOR GENZ RECEIVED AN ADDITIONAL COMPLAINT AT 1015HRS AND RETURNED TO THE SCENE TO WITNESS LARRY WAYNE STONE OPERATING A BACKHOE AND INV. GENZ NOTICED THAT THE ENTIRE 30'X10' BURN PIT IN THEIR FRONT YARD WAS FULL OF CONSTRUCTION DEBRI FROM THE HOUSE THAT HAD BEEN DEMOLISHED. THE DEBRI WAS ACTIVELY BURNING. MR. STONE WAS ADVISED TO EMPTY THE PIT AND EXTINGUISH THE

FIRE. MR. STONE AGREED AND INV. GENZ LEFT THE SCENE. INV. GENZ WAS AGAIN DISPATCHED A THIRD TIME TO THE 309 MAGNOLIA IN CHANNELVIEW AT APPROXIMATELY 12:45P FOR OTHER COMPLAINT OF SMOKE CAUSING A NUISANCE. INV. GENZ ARRIVED BACK TO THE SCENE AND WAS MET BY LARRY STONE AND SAID THE PIT REIGNITED WHILE INV. GENZ WAS GONE. LARRY STONE'S SPOUSE NINA STONE CONFRONTED INV. GENZ IN A HOSTILE MANNER AND ADVISED INV. GENZ SHE HAD NO AUTHORITY TO BE ON HER PROPERTY. NINA STONE ADVISED THEY WERE GOING TO CONTINUE BURNING WOOD, THAT THEY HAD PERMISSION FROM CHANNELVIEW VOLUNTEER FIRE DEPARTMENT. INV. GENZ ADVISED ALL OCCUPANTS AND PERSONS PRESENT THAT NO BURNING WAS TO BE AUTHORIZED ON THIS PROPERTY. APPROXIMATELY 8-9 PERSONS PRESENT ON THE PROPERTY APPROACHED ME, SHOUTING FORCED INV. GENZ TO LOCK HERSELF IN HER TRUCK. INV. GENZ CALLED HER OFFICE FOR BACKUP AND OFFICERS WERE DISPATCHED TO THE SCENE. INV. GENZ ADVISES AT HER FIRST VISIT TO THE SCENE, NINA STONE ATTEMPT TO BRIBE INV. GENZ BY STATING "HOW MUCH MONEY WOULD IT TAKE FOR YOU TO LEAVE". NINA STONE APPROACHED INV. GENZ TRUCK AND ATTEMPTED TO ENTER INV. GENZ PASSENGER DOOR. AT TIME TIME INV. GENZ EXITED HER VEHICLE. NINA STONE BEGAN TELLING INV. GENZ SHE HAD NO AUTHORITY ON HER PROPERTY. A STONE FAMILY MEMBER AT THE SCENE WAS IDENTIFIED BY MR. AND MRS. STONE AS A VOLUNTEER FIRE MAN. THAT FAMILY MEMBER LEFT AND RETURNED WITH CHANNELVIEW TANKER #32 AND BEGAN EXTIGUSHING THE FIRE. CVFD CHIEF JAMES MICHAEL NELSON, ARRIVED AT THE SCENE AND INSPECTED THE PIT AND STATED" I DID NOT REALIZE THEY WERE BURNING MORE THAN JUST WOOD". HARRIS COUNTY ENVIRONMENTAL CRIMES UNIT 81E56 ARRIVED TO THE SCENE WITH ADA ROGER HASEMAN AT 1421HRS. AFTER INVESTIGATING AND PHOTOGRAPHING THE SCENE. LARRY AND NINA STONE WERE TAKEN INTO CUSTODY FOR AIR POLL/ OUTDOOR BURNING AND ILLEGAL DISPOSAL OF SOLID WASTE. LARRY WAYNE STONE AND NINA LYNN STONE WERE TRANSPORTED BY HCCD-1, #81D25 TO HCIPC. MRS. STONE ADVISED SHE HAD (2) UNDER AGE CHILDREN AT HOME WITH THEM CODY STONE, W/M 16 YOA AND AUSTIN STONE-CUNNINGHAM 6YOA. DEPUTY WARDEN SPOKE WITH BOTH MR. AND MRS. STONE AND WAS ADVISED THEY WERE GOING TO LEAVE BOTH CHILDREN WITH THEIR SON RAY CUNNINGHAM, JR. W/M, TDL#07710735, 07/29/1981. DEPUTY WARDEN SPOKE WITH RAY CUNNINGHAM , IDENTIFIED HIM AND CONFIRMED HE WAS GOING TO TAKE RESPONSIBILITY FOR THE (2) CHILDREN. DARRELLE ALLEN STONE WAS ALSO TAKEN INTO CUSTODY AT THE SCENE FOR THE SAME PENDING CHARGES, BUT THEN RELEASED WITHOUT CHARGES PER DA HASEMAN. DARRELLE STONE WAS RELEASED AT IPC REFER TO HARRIS COUNTY CAD# 0403125965

METHOD OF IDENTIFICATION:

ARRESTED DURING COURSE OF OFFENSE  
EYEWITNESS KNOWS DEFENDANT  
ORAL CONFESSION LEADING TO EVIDENCE  
SUSPECT LARRY STONE ADVISED NANCY GENZ  
THAT HE INTENDED TO BURN AND BURY/HOUSE

DATE: 03/12/04

D. A. INTAKE MANAGEMENT SYSTEM  
DEFENDANT DESCRIPTORS

REPORT: DIM601

JUSTI

TRANSACTION #: 940100 D.A. LOG #: 940100  
IN CUSTODY: Y ID BY PRINTS: Y  
DATE OF ARREST: 03/12/2004 TIME OF ARREST: 1520

SPN #: 00377445  
AFIS NUMBER: 251040312047  
DEFENDANT NAME: STONE, LARRY WAYNE  
ALIAS NAME:  
ALIAS SPN:

US CITIZEN: Y INS#:   
PLACE OF BIRTH: CITY OF BIRTH:   
RACE: W SEX: M DOB: 10/31/1958  
MARITAL STATUS: MA BUILD: HEV HEIGHT: 509 WEIGHT: 220  
HAIR: BLK SKIN: LGT EYES: BRO  
SCARS:

STREET ADDRESS: 309 MAGNOLIA  
CITY: CHANNELVIEW, TX ZIP: 77530-  
PHONE: (281) 452 - 2488

PRIOR ARREST?: Y FBI#: 805495CA9 STATE ID #: TX03324046  
AGENCY ID #: CD1 TX1013100 SSN: 459-15-4675 SO#: 0204929  
ALIAS SPN(S):  
DL#: 05781263 DL ST: TX

EMPLOYER: SELF  
OCCUPATION: WRECKER DRIVER  
EMPLOYER/OTHER ADDRESS: E  
STREET ADDRESS: 309 MAGNOLIA  
CITY: CHANNELVIEW, TX  
EMPLOYER/OTHER PHONE: (281) 914 - 7459

CO-DEFENDANTS? YES  
STONE, NINA LYNN

DOES THE DEFENDANT HAVE A SPN?  Y N

DATE: 03/12/04

D. A. INTAKE MANAGEMENT SYSTEM  
DEFENDANT DESCRIPTORS

REPORT: DIM601

JUSTI

TRANSACTION #.: 940100 D.A. LOG #: 940100  
IN CUSTODY....: Y ID BY PRINTS: Y  
DATE OF ARREST: 03/12/2004 TIME OF ARREST: 1520

SPN #.....: 00377445  
AFIS NUMBER...: 251040312047  
DEFENDANT NAME: STONE, LARRY WAYNE  
ALIAS NAME.....:  
ALIAS SPN.....:

US CITIZEN.....: Y INS#:  
PLACE OF BIRTH: CITY OF BIRTH:  
RACE.....: W SEX: M DOB: 10/31/1958  
MARITAL STATUS: MA BUILD: HEV HEIGHT: 509 WEIGHT: 220  
HAIR.....: BLK SKIN: LGT EYES: BRO  
SCARS.....:

STREET ADDRESS: 309 MAGNOLIA  
CITY.....: CHANNELVIEW, TX ZIP: 77530-  
PHONE.....: (281) 452 - 2488

PRIOR ARREST?: Y FBI#: 805495CA9 STATE ID #: TX03324046  
AGENCY ID #...: CD1 TX1013100 SSN: 459-15-4675 SO#: 0204929  
ALIAS SPN(S)..  
DL#.....: 05781263 DL ST: TX

EMPLOYER.....: SELF  
OCCUPATION.....: WRECKER DRIVER  
EMPLOYER/OTHER ADDRESS: E  
STREET ADDRESS.....: 309 MAGNOLIA  
CITY.....: CHANNELVIEW, TX  
EMPLOYER/OTHER PHONE...: (281) 914 - 7459

CO-DEFENDANTS? YES  
STONE, NINA LYNN

DOES THE DEFENDANT HAVE A SPN? Y N

DEFENDANT: Larry Wayne Stone  
ADDRESS: 309 Magnolia, Channelview TX 77530

REGISTERED AGENT: \_\_\_\_\_  
\_\_\_\_\_

OFFENSE DATE: MARCH 12, 2004  
AGENCY: HOEED/HCPED

ALLEGATION: AIR POLLUTION (Outdoor Burning)  
30 TAC, § 111.201 et.al. [§7.177(a)(5) TWC]  
NCIC CODE 5532 00

intentionally and knowingly cause, allow, and permit outdoor burning within the State of Texas in violation of Title 30, Texas Administrative Code Rule §111.201, and the outdoor burning was not authorized by the Executive Director of the Texas Commission on Environmental Quality, nor was the outdoor burning authorized by any exception contained in Title 30, Texas Administrative Code Rule §111.

CASE FILED: \_\_\_\_\_, 20\_\_

Cause Number \_\_\_\_\_ County Crim Ct at Law \_\_\_

SERVICE OF PROCESS: \_\_\_\_\_

SETTING DATE: \_\_\_\_\_

WITNESSES

1. \_\_\_\_\_ (Complainant)
2. \_\_\_\_\_ (Field Investigator)

DOCUMENTARY EVIDENCE:

Requested Received Filed in court<sup>1</sup>

Negative cert from \_\_\_\_\_  
TCEQ

**REVISED 03/12/04**

<sup>1</sup> Must be filed in court, with notice to Defendant, 14 days prior to trial under Tex.Cr.Evid.R. 902(10).

DEFENDANT: Larry Wayne Stone  
ADDRESS: 309 Magnolia, Channelview TX 77530

REGISTERED AGENT: \_\_\_\_\_  
\_\_\_\_\_

OFFENSE DATE: MARCH 12, 2004  
AGENCY: HCFES (HCPD)

ALLEGATION: **ILLEGAL DUMPING -- NON-COMMERCIAL (A)**  
(Transportation/Disposal/Receipt) [§365.012(a),(b)&(c), H&S Code]  
**NCIC CODE 5533/06**

**(USE APPLICABLE PARAGRAPH OR PARAGRAPHS)**

~~transport litter or other solid waste, namely, \_\_\_\_\_, having an aggregate weight of 500 pounds or more but less than 1,000 pounds, or a volume of 100 cubic feet or more but less than 200 cubic feet, to a place that was not an approved solid waste site for disposal at the site.~~

~~It is further presented that in Harris County, Texas, (DEFENDANT), hereafter styled the Defendant, heretofore on or about (DATE) did then and there unlawfully~~

~~dispose, allow or permit the disposal of litter or other solid waste, namely, BUILDING AND/OR DEMOLITION DEBRIS, having an aggregate weight of 500 pounds or more but less than 1,000 pounds, or a volume of 100 cubic feet or more but less than 200 cubic feet, at a place that was not an approved solid waste site.~~

~~It is further presented that in Harris County, Texas, (DEFENDANT), hereafter styled the Defendant, heretofore on or about (DATE) did then and there unlawfully~~

~~receive litter or other solid waste, namely, \_\_\_\_\_, having an aggregate weight of 500 pounds or more but less than 1,000 pounds, or a volume of 100 cubic feet or more but less than 200 cubic feet, for disposal at a place that was not an approved solid waste site.~~

CASE FILED: \_\_\_\_\_, 20\_\_\_\_; Cause No. \_\_\_\_\_; CCCL No. \_\_\_\_

SERVICE OF PROCESS: \_\_\_\_\_

**WITNESSES**

1. \_\_\_\_\_ (Complainant)

2. \_\_\_\_\_ (Field Investigator)

**REVISED 09/01/01**

13

AGENCY: HCCO#1  
OR #: 403125965  
CJIS #: 9034757471-A001

DEFENDANT:  
LARRY WAYNE STONE  
OFFENSE: AIR POLLUTION  
CCCL#: 1224882

Prosecutor Accepting Charge  
First Setting Date:

CO-Defendant:  
OFFENSE:  
Felony [ ] Misdemeanor [ ]

DEFENSE ATTORNEY'S NAME AND PHONE

TRANSFERRED TO:  
REASON:

RESETTING RECORD AND REASONS:  
READY HOLD R/S TO:  
1. 3/19/04 Aug  
2.  
3.  
4.  
5.  
6.  
7.

FELONY PENDING:  
DISTRICT COURT:  
PRIOR CRIMINAL HISTORY:

IF RESET FOR TRIAL, DO FOLLOWING, THEN DATE AND INITIAL  
1.  
2.  
3.

PROSECUTOR: BASmith  
DATE 6/21/04  
REC. TO COURT \$2,000 fine 2/2

DISMISSAL  
1. PLEAD GUILTY ON OTHER CHARGE  
2. IN CUSTODY ELSEWHERE  
3. MISSING WITNESS  
5. REQUEST OF C/W  
6. MOTION TO SUPPRESS GRANTED  
7. CO-DEF CONVICTED  
INSUFFICIENT EVIDENCE THIS DEFENDANT  
DETAILS OF DISMISSALS (i.e. NAME OF MISSING WITNESSES, BASIS OF INSUFFICIENT EVIDENCE, ETC. OR REASONS FOR REDUCTIONS.)

PG [ ] W/REC [ ] COURT [ ]  
PNG [ ] W/O REC [ ] JURY [ ]  
NOLO [ ]  
RESULT PUNISHMENT PENALTY PROBATION  
GUILTY [ ] COURT [ ]  
NOT GUILTY [ ] JURY [ ]  
HUNG JURY [ ] MISTRIAL [ ] PROB. TERM

THE STATE OF TEXAS  
VS.

LARRY WAYNE STONE  
309 MAGNOLIA  
CHANNELVIEW, TX 77530

SPN: **00377445**  
DOB: WM 10/31/58  
DATE PREPARED: 3/12/2004

D.A. LOG NUMBER: 940100  
CJIS TRACKING NO.: 9034757471-A001  
BY: DM DA NO: 59197800  
AGENCY: HCCO#1  
O/R NO: 403125965  
ARREST DATE: 03/12/04

NCIC CODE: 5532 00

RELATED CASES:

MISDEMEANOR CHARGE: AIR POLLUTION

CAUSE NO: **1224882**

BAIL: \$1,500  
PRIOR CAUSE NO:

HARRIS COUNTY CRIMINAL COURT AT LAW NO: **13**  
FIRST SETTING DATE: **3-19-04**

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

Comes now the undersigned Assistant District Attorney of Harris County, Texas on behalf of the State of Texas, and presents in and to the County Criminal Court at Law No. \_\_\_\_\_ of Harris County, Texas, that in Harris County, Texas, **LARRY WAYNE STONE**, hereafter styled the Defendant, heretofore on or about **MARCH 12, 2004**, did then and there unlawfully intentionally and knowingly cause, allow, and permit outdoor burning within the State of Texas in violation of Title 30, Texas Administrative Code Rule 111.201, and the outdoor burning was not authorized by the Executive Director of the Texas Commission on Environmental Quality, nor was the outdoor burning authorized by any exception contained in Title 30, Texas Administrative Code Rule 111.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

  
\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY  
OF HARRIS COUNTY, TEXAS.

**INFORMATION (STATE'S COPY)**

13

AGENCY: HCCO#1

OR #: 403125965

CJIS #: 9034757471-A002

DEFENDANT:  
LARRY WAYNE STONE

OFFENSE: ILLEGAL DUMPING

CCCL#:

1224885

Prosecutor Accepting Charge

CO-Defendant:

First Setting Date:

OFFENSE:

Felony [ ] Misdemeanor [ ]

DEFENSE ATTORNEY'S NAME AND PHONE

TRANSFERRED TO:

REASON:

RESETTING RECORD AND REASONS:

FELONY PENDING:

DISTRICT COURT:

PRIOR CRIMINAL HISTORY:

READY HOLD R/S TO:

1. 3/19/04 Aug \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

IF RESET FOR TRIAL, DO FOLLOWING, THEN DATE AND INITIAL

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

PROSECUTOR:

BASMITO

DATE

6/21/04

REC. TO COURT

Dismond D'GOC

DISMISSAL

1. PLEAD GUILTY ON OTHER CHARGE
2. IN CUSTODY ELSEWHERE
3. MISSING WITNESS
5. REQUEST OF C/W
6. MOTION TO SUPPRESS GRANTED
7. CO-DEF CONVICTED

PG [ ] W/REC [ ] COURT [ ]

PNG [ ] W/O REC [ ] JURY [ ]

NOLO [ ]

RESULT PUNISHMENT PENALTY PROBATION

GUILTY [ ] COURT [ ]

NOT GUILTY [ ] JURY [ ]

HUNG JURY [ ] MISTRIAL [ ] PROB. TERM

DETAILS OF DISMISSALS (i.e. NAME OF MISSING WITNESSES, BASIS OF INSUFFICIENT EVIDENCE, ETC. OR REASONS FOR REDUCTIONS.)

INSUFFICIENT EVIDENCE THIS DEFENDANT

THE STATE OF TEXAS  
VS.

LARRY WAYNE STONE  
309 MAGNOLIA  
CHANNELVIEW, TX 77530

SPN: **00377445**  
DOB: WM 10/31/58  
DATE PREPARED: 3/12/2004

D.A. LOG NUMBER: 940100  
CJIS TRACKING NO.: 9034757471-A002  
BY: DM DA NO: 59197800  
AGENCY:HCCO#1  
O/R NO: 403125965  
ARREST DATE: 03/12/04

NCIC CODE: 5533 06

RELATED CASES:

MISDEMEANOR CHARGE: ILLEGAL DUMPING

CAUSE NO: **1224885**

BAIL: \$1,500  
PRIOR CAUSE NO:

HARRIS COUNTY CRIMINAL COURT AT LAW NO: **13**  
FIRST SETTING DATE: ~~3-12-04~~ ~~3-12-04~~ **3-19-04**

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

Comes now the undersigned Assistant District Attorney of Harris County, Texas on behalf of the State of Texas, and presents in and to the County Criminal Court at Law No. \_\_\_\_\_ of Harris County, Texas, that in Harris County, Texas, **LARRY WAYNE STONE**, hereafter styled the Defendant, heretofore on or about **MARCH 12, 2004**, did then and there unlawfully dispose, allow or permit the disposal of litter or other solid waste, namely **BUILDING AND/OR DEMOLITION DEBRIS**, having an aggregate weight of 500 pounds or more but less than 1,000 pounds, or a volume of 100 cubic feet or more but less than 200 cubic feet, at a place that was not an approved solid waste site.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

  
\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY  
OF HARRIS COUNTY, TEXAS.

**INFORMATION (STATE'S COPY)**

Plea  
papers

NO. 1224882

THE STATE OF TEXAS

§ IN THE COUNTY CRIMINAL COURT

VS.

§ AT LAW NUMBER THIRTEEN OF

LARRY WAYNE STONE

§ HARRIS COUNTY, T E X A S

**MISDEMEANOR PLEA OF NOLO CONTENDERE**

COMES NOW THE DEFENDANT in this cause, **Larry Wayne Stone**, appearing in open court and represented by counsel, **Michael D. Gillespie**, a licensed Texas attorney. Prior to entering a plea herein, the Defendant represents that:

1. The Defendant is mentally competent and understands that he is charged with the misdemeanor offense of **Air Pollution (Outdoor Burning)**, pursuant to Chapter 7.177(a)(5), Texas Water Code, for which the punishment is a fine of not less than one thousand dollars (\$1,000) nor more than fifty-thousand dollars (\$50,000), confinement in jail not to exceed 180 days, or both fine and confinement.
2. The Defendant understands that he has the right to a jury trial, which includes the right to have punishment assessed by a jury; the right to compulsory process for obtaining witnesses in his favor; the right to confront and cross-examine witnesses against him; the right to be arraigned and have the charges against him read in open court; the right to ten full days after arraignment before the day trial begins; the right to appointed counsel if unable to afford counsel; and the right to have ten days after the appointment of any attorney before entering a plea.
3. The Defendant understands that a plea of nolo contendere has the same legal effect as a guilty plea, except that a plea of nolo contendere may not be used against the Defendant as an admission in any civil suit based upon or growing out of the act upon which the criminal prosecution in this cause is based; that upon a plea of nolo contendere, with a waiver of trial by jury, punishment may be assessed by the Court either upon or without evidence, at the discretion of the Court; that if the Defendant is found guilty, this case may be used as evidence to enhance punishment if the Defendant is later convicted of another offense; that the Court shall notify the Texas Commission on Environmental Quality in writing of this conviction when it becomes final and unappealable; that if the Defendant is not a citizen of the United States, his plea of guilty or nolo contendere may result in his deportation, exclusion from admission to this country, or denial of naturalization under federal law; that if the Defendant is on probation or parole, his plea of guilty or nolo contendere may result in the revocation of his probation or parole resulting in further confinement; and that if the Court does not exceed the agreed recommendation of the State in assessing punishment, then the Defendant's right to appeal his conviction will be limited to matters raised by written motion and ruled upon before trial unless the Court gives permission to raise other matters.

The undersigned attorney, **Michael D. Gillespie**, acknowledges that he represents the Defendant, **Larry Wayne Stone**, and that he has discussed the case with the Defendant, including whether the Defendant should waive the aforesaid rights and

enter a plea of nolo contendere. With a full understanding of the aforesaid rights, the Defendant hereby knowingly and voluntarily waives: the arraignment and reading of the information; the ten-day period after arraignment before trial; the right of trial by jury; the right to confront and cross-examine witnesses against the Defendant; the right to compulsory process for obtaining witnesses in the Defendant's favor; the appointment of counsel; the ten-day waiting period for trial after appointment of counsel; and any further time to prepare for trial to which the Defendant or his counsel may be entitled.

In open court the Defendant freely and voluntarily enters a plea of nolo contendere to the offense charged in the information, and stipulates that if the state's witnesses were present in court to testify, the testimony would embrace each and every element of the offense charged, which occurred on or about **March 12, 2004**. The Defendant requests that a presentence investigation report **not** be made in this cause, and requests the Court to make immediate disposition of this cause, based on the Defendant's plea. Upon that plea, the Defendant understands that the prosecutor will recommend that punishment be assessed at **TWO (2) DAYS IN JAIL, CREDIT FOR TWO (2) DAYS, A FINE IN THE AMOUNT OF TWO-THOUSAND DOLLARS (\$2,000.00)** plus court costs. The Defendant agrees to the recommendation, and understands that the recommendation is not binding on the Court. The Defendant further agrees to waive any right of appeal he may have should the court accept this plea bargain agreement between the Defendant and the prosecuting attorney.

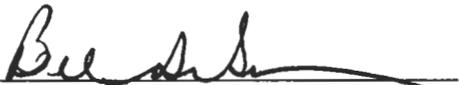
The Defendant has read the foregoing matters and understands each and every one of them.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
DEFENDANT: LARRY WAYNE STONE

\_\_\_\_\_  
MICHAEL D. GILLESPIE, Texas Bar No. 07926500

I, the undersigned Assistant District Attorney for Harris County, Texas, approve of and consent to the Defendant's waiver of trial by jury, and I acknowledge my approval of the plea bargain agreement set forth above.

  
\_\_\_\_\_  
BELINDA SMITH, Texas Bar No. 00798510

**FINDINGS OF THE COURT**

After the Court consulted with both the Defendant and his counsel, and informed the Defendant of the nature of the charges, the Defendant's rights, and the consequences of a plea of nolo contendere, the Defendant waived arraignment and, with the advice of counsel, decided not to contest this cause. The Court finds that the Defendant is mentally competent, is represented by counsel, and that the Defendant's plea was entered only after the Defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury and all other rights set out above. The Court hereby consents to and approves of the waiver of trial by jury by both parties in this cause, agrees to the Defendant's request that a pre-sentence investigation report not be made in this cause, and accepts this plea, which is the result of a plea bargain agreement between the Defendant and the prosecuting attorney. The Court further finds that Harris County bore the entire burden of prosecuting this case, and hereby apportions seventy-five percent (75%) of the fine, or \$1500.00, to Harris County, and twenty-five percent (25%) of the fine, or \$500.00, to the State of Texas.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

---

JUDGE, Harris County Criminal Court  
at Law Number Thirteen

OFFENSE: Illegal Dumping

CAUSE NO. 1224885

THE STATE OF TEXAS

IN THE \_\_\_\_\_ DISTRICT COURT  
IN COUNTY CRIMINAL COURT AT LAW NO. 13

VS.  
Harry Wayne Stone

OF  
HARRIS COUNTY, TEXAS

**MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas, by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- The Defendant was convicted in another case. 1224882
- In custody elsewhere.
- Old case, no arrest.
- Missing witness.
- Request of complaining witness.
- Motion to suppress granted.
- Co-Defendant tried, this Defendant testify.
- Insufficient evidence.
- Co-Defendant convicted, insufficient evidence this Defendant.
- Case refiled as cause no. \_\_\_\_\_
- Other.

EXPLANATION:

WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,

Belinda Smith  
Assistant District Attorney  
Harris County, Texas

**ORDER**

The foregoing motion having been presented to me on this the 27 day of June, A.D. 2004 and the same having been considered, it is, therefore, ORDERED, ADJUDGED, and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

\_\_\_\_\_  
JUDGE  
\_\_\_\_\_  
DISTRICT COURT  
COUNTY CRIMINAL COURT AT LAW NO. 13  
HARRIS COUNTY, TEXAS

# Larry Stone – Outdoor Burning Case Photos



3/12/2004 3:14:45 PM



3/12/2004 3:13:32 PM



3/12/2004 3:14:11 PM



3/12/2004 3:14:40 PM



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3/12/2004 3:14:18 PM



3/12/2004 3:13:02 PM



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3/12/2004 3:13:02 PM

Riley Joseph  
Francisco –  
House of Tires

C. O. BRADFORD  
CHIEF OF POLICE



DIVISION MAJOR OFFENDERS

BUREAU CRIMINAL INVESTIGATIONS

COMMAND ENVIRONMENTAL INVESTIGATIONS UNIT

COMPLAINANT THE STATE OF TEXAS

DEFENDANT RILEY JOSEPH FRANCISCO HOUSE OF TIRES

OFFENSE/CHARGE VIOLATION OF THE TEXAS LITTER ABATEMENT ACT 365.012

DATE OF OFFENSE JULY 25, 2000

LOCATION 2300 BLOCK OF DIXIE DRIVE HOUSTON/HARRIS COUNTY

OFFICERS SERGEANT MICHAEL S. WALSH

COURT COUNTY COURT OF LAW #

CAUSE #

COPY

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## HOUSE OF TIRES

Wholesale & Retail



RILEY FRANCISCO, Representative

Office: 713-748-6380  
Cellular: 281-250-1475

4715 Balkin  
Houston, TX 77021

ORIGINAL INFORMATION REPORT NON-PUBLIC

HOUSTON POLICE DEPARTMENT  
OFFENSE REPORT

PAGE 1.001

Incident no. 099980100 X

Offense- ENVIRONMENTAL INVESTIGATION  
UCR Offense codes- 00000/00000/00000  
Premises- PUBLIC STREET

Weather- WARM

Location: Street no- 002300 Name- DIXIE  
City-HOUSTON County-HARRIS  
Neighborhood code-00008 Desc-ARDMORE

Kmap-533F Dist-10 Beat-10H70

Begin date- TU 07/25/00 Time- 2115 End date- TU 08/01/00 Time- 0730  
Received/Employee: Name-M.S. WALSH No.-085864 Date-08/01/00 Time-0730  
Gang crime related-N Hate crime related-N

COMPLAINANT(S)

No-01 Business name-THE STATE OF TEXAS  
Address-1205 FRANKLIN HOUSTON, TEXAS 77002  
Phone: Home-(000) 000-0000 Business-(713) 755-7889 Ext-  
Force used against complainant- N  
Relation to susp-NONE

WITNESS(S)

No-01 Name: Last-SAPP First-KEVIN Middle-B  
Race-W Sex-M Age- Hispanic-N  
Address-3310 ALICE HOUSTON, TEXAS 77021  
Phone: Home-(409) 361-4477 Business-(713) 747-7411 Ext-  
Force used against complainant- N  
Relation to susp-NONE

No-02 Name: Last-MUERY First-ADAM Middle-T  
Race-W Sex-M Age- Hispanic-N  
Address-100 S. CHAPPELLHILL BRENAHM, TEXAS 77833  
Phone: Home-(000) 000-0000 Business-(979) 836-2164 Ext-  
Force used against complainant- N  
Relation to susp-NONE

REPORTEE(S)

NONE

## VEHICLE(S)

No- 01 Type-GENERAL Complainant no- Disposition-OPEN  
Yr-86- Make-GMC Model- PU Style-PU  
License: No-LE4836 State-TX Year-00 Month-08 Type-PC  
VIN-1GTDC14NXGS528857 Colors: 1st-DRK 2nd-DRK  
Recovery:Location- 00000 Dist- Beat-

## ARTICLES

No- 01 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-PHOTOS UCR class-00  
Description-NUMEROUS PICTURES OF THE CRIME SCENE

## DETAILS OF OFFENSE

TWO (2) OFF DUTY POLICE OFFICERS OBSERVED THE SUSPECT IN VIOLATION OF THE TEXAS  
LITTER ABATEMENT ACT, TEXAS HEALTH & SAFETY CODE 365.012, A CLASS "A" MISD.

Officer1: Name-M.S. WALSH Employee no-085864 Shift-1  
Division/Station #-MOD/EIU Unit #-1750

Call received: Date-07/28/00 Time-0900 Report made: Date-08/01/00 Time-0730

SUSPECT(S)

No-01 Disposition-ARRESTED /RELEASED HPD-no-403816  
 Name: Last-FRANCISCO First-RILEY Middle-JOSEPH  
 Alias(Nickname)-JOSEPH "DONALD" RILEY  
 Address-1930 OAKDALE HOUSTON, TEXAS 77004  
 Race-B Sex-M Age-45-00 Hispanic-N Date of birth-09/06/54  
 Height-603 To- Weight-250 To-  
 Hair: Color-BLK Type- Length-  
 Speech/Accent-LOCAL ENGLISH Eye color-BROWN  
 Dress-WORK CLOTHES  
 Misc-HM# (713) 528-7995/WK# (281) 250-1475/TDL# 05778229/SSN# 436901966/SID# TX02078918/

M.O. SUMMARY

Report entered by-M.S. WALSH Employee number-085864  
 Status: Open-X Cleared- Inactive- Unfounded-  
 Report reviewed by-

NARRATIVE

THIS IS AN ENVIRONMENTAL INVESTIGATION WHERE THE EVIDENCE WILL CLEARLY SHOW THE LISTED SUSPECT (FRANCISCO) IN VIOLATION OF THE TEXAS LITTER ABATEMENT ACT, TEXAS HEALTH & SAFETY CODE 365.012, A CLASS "A" MISDEMEANOR. TWO (2) OFF DUTY POLICE OFFICERS OBSERVED THE SUSPECT INTENTIONALLY & KNOWINGLY FOR A COMMERCIAL PURPOSE ILLEGALLY TRANSPORT & DISPOSE OF SOLID WASTE, NAMELY TIRES THAT WEIGHED MORE THAN FIVE (5) POUNDS, AT A PLACE THAT IS NOT AN APPROVED SOLID WASTE SITE, NAMELY, A CITY OF HOUSTON (COH) DRAINAGE DITCH/EASEMENT IN THE 2300 BLK OF DIXIE DR, HOUSTON, HARRIS COUNTY, TEXAS. HARRIS COUNTY KEY MAP #533-F.

ON JULY 25, 2000 AT APPROX. 2115HRS THE LISTED WITNESSES, [REDACTED] WHO IS EMPLOYED WITH THE [REDACTED] & [REDACTED] EMPLOYED WITH THE [REDACTED], OBSERVED THE LISTED VEHICLE BEING OPERATED BY THE LISTED SUSPECT (THE SOLE OCCUPANT) IN THE 3300 BLOCK OF ALICE, A CHRONIC ILLEGAL DUMP SITE. THEY [REDACTED] OF THE TRUCK. [REDACTED] (2ND JOB) KNOWS THE AREA AS A [REDACTED] & BELIEVING THAT THEY MAY HAVE SPOOKED THE SUSPECT FROM DUMPING THE TIRES, DECIDED TO FOLLOW HIM. SAPP & MUERY WHO WERE IN A [REDACTED] WHITE, FORD, TAURUS FOLLOWED THE SUSPECT TO THE 3200 BLK OF DIXIE DR, NEVER LOSING SIGHT OF HIM FOR ANY SUBSTANTIAL AMOUNT OF TIME. BOTH WITNESSES OBSERVED THE SUSPECT MAKE A [REDACTED] AT THE [REDACTED], STOP & [REDACTED] THE VEHICLE & WALK TO THE [REDACTED] (2120 HRS/9:20 PM)

AFTER A FEW MOMENTS THE WITNESSES APPROACHED THE SUSPECT, IDENTIFYING THEMSELVES AS POLICE OFFICERS, DISPLAYING THEIR ID'S & BADGES, AND NOTICED THE SUSPECT STANDING BY THE [REDACTED], WHICH WAS [REDACTED] TRUCK TIRES IN THE [REDACTED]. THE SUSPECT STATED [REDACTED]. THE OFFICERS ADVISED THE SUSPECT THAT HE WAS BEING DETAINED & CONTACTED THE HOUSTON POLICE DEPARTMENT AT 2123HRS REQUESTING A UNIT.

AFTER WAITING AN [REDACTED] FOR THE UNIT (WHICH [REDACTED]) OFC SAPP IDENTIFIED THE SUSPECT VIA: TEXAS DRIVERS LICENSE (W/PHOTO) & ADVISED HIM THAT HE COULD NOW PUT THE TIRES BACK IN THE BED OF THE TRUCK. THE OFC'S RELEASED THE SUSPECT & DECIDED TO CONTACT THE HOUSTON POLICE DEPARTMENT'S ENVIRONMENTAL INVESTIGATIONS UNIT THE FOLLOWING DAY.

ON JULY 28, 2000 SERGEANT M.S. WALSH WHO IS ASSIGNED TO MAJOR OFFENDERS DIVISION, ENVIRONMENTAL INVESTIGATIONS UNIT MET WITH OFC SAPP AT 3310 ALICE & BEGAN THE INVESTIGATION. WALSH CONFIRMED THE INFORMATION PERTAINING TO THE INCIDENT AND ADVISED THE WITNESSES THAT AN INVESTIGATION WOULD BE CONDUCTED.

WALSH HAS MET WITH THE SUSPECT ON PREVIOUS OCCASIONS & KNOWS THE SUSPECT BY NAME & SIGHT. IN MAY, 2000 WALSH OBSERVED THE SUSPECT AT HIS PLACE OF BUSINESS:

HOUSE OF TIRES RILEY FRANCISCO, REPRESENTATIVE  
WHOLESALE & RETAIL  
4715 BALKIN  
HOUSTON, TEXAS 77021  
OFF (713) 748-6380  
CEL (281) 250-1475

WALSH NOTICED THAT THE SUSPECT HAD FIVE OR SIX [REDACTED] K SIZE (JUNK) TIRES IN THE [REDACTED] OF A TRUCK & OBSERVING THAT HE OPERATED A TIRE SHOP INQUIRED AS TO [REDACTED] & BY WHOM. FRANCISCO STATED THAT HE [REDACTED] WITH THE PERMISSION OF A COH CONTRACTOR. WALSH SPOKE WITH AN [REDACTED] THE BUSINESS VIA PHONE & CONFIRMED THE FRANCISCO WAS DUMPING TIRES IN A DUMPSTER AT THEIR FACILITY BUT ONLY THE TIRES THAT WERE GENERATED WHEN FRANCISCO WAS CONTRACTED OUT TO CLEAN A VACANT LOT, NOT THE TIRES THAT WERE GENERATED BY HIS TIRE BUSINESS.

FRANCISCO THEN STATED THAT WAS WHAT HE [REDACTED] & THAT HE STATED HE [REDACTED] ANY TIRES FROM HIS TIRE BUSINESS, THAT IN FACT HE [REDACTED] HIS [REDACTED], WHEN THEY [REDACTED]. WALSH WENT INTO GREAT DETAIL EXPLAINING THE LAW TO FRANCISCO CONCERNING THE ILLEGAL TRANSPORTATION & DISPOSAL OF JUNK TIRES & HE STATED HE UNDERSTOOD. FRANCISCO STATED THAT THE TIRES IN THE BACK OF HIS TRUCK (THE SAME TRUCK THE TWO WITNESSES OBSERVED FRANCISCO DRIVING THE NIGHT OF THE INCIDENT) WERE THERE ONLY AS A [REDACTED]. FRANCISCO ADDED THAT HE [REDACTED] SHOWING ANY TIRES BEING DISPOSED OF DUE TO THE FACT THAT HE [REDACTED]

ANY JUNK TIRES. WALSH FOUND THIS STORY/EXPLANATION HARD TO BELIEVE.

WALSH GAVE FRANCISCO A STERN WARNING CONCERNING THE CONSEQUENCES OF ILLEGAL DUMPING & WENT INTO GREAT DETAIL EXPLAINING THE PUBLIC'S HEALTH & SAFETY ISSUES CONCERNING THE DUMPING OF TIRES. FRANCISCO AGAIN STATED THAT HE UNDERSTOOD AND ATTEMPTED TO CONVINCED WALSH THAT HE DID NOT, NOR WOULD NOT DUMP TIRES ILLEGALLY.

WALSH CONFIRMED THAT THE SUSPECT IS CURRENTLY OPERATING UNDER THE ASSUMED NAME OR DOING BUSINESS AS:

HOUSE OF TIRES  
5423 DUMBLE  
HOUSTON, TEXAS 77004  
FILED AUGUST 25TH, 1999  
# 958024  
# 228-86-2026

FRANCISCO IS OPERATING UNDER A SOLE PROPRIETORSHIP. WALSH PRESENTED THE FACTS OF THIS INVESTIGATION TO HARRIS COUNTY ASST DISTRICT ATTORNEY SMITH WHO ACCEPTED CHARGES ON THE SUSPECT FOR ILLEGAL DUMPING, A CLASS "A" MISDEMEANOR.

SUSPECT : RILEY JOSEPH FRANCISCO  
CHARGE : VIOLATION OF THE TEXAS LITTER ABTEMENT ACT  
COURT : COUNTY COURT OF LAW #  
BOND \$  
CAUSE #  
TRANSACTION #

THIS IS WILL BE CLOSED WITH REPORT & 2B WARRANT FILED.

\*

- ARRESTED AND CHARGED IN THIS CASE (INCLUDES JUVENILES ARRESTED AND REFERRED)
- ARRESTED AND CHARGED IN OTHER CASES (BUT NOT THIS CASE)
- EXCEPTIONAL CLEARANCES -- MUST HAVE THE FOLLOWING CONDITIONS IN NARRATIVE:
  - IDENTITY OF OFFENDER IS ESTABLISHED, AND ENOUGH INFORMATION EXISTS TO SUPPORT AN ARREST, CHARGE, AND PROSECUTION, AND EXACT LOCATION OF THE OFFENDER IS KNOWN, AND THERE IS SOME REASON BEYOND LAW ENFORCEMENT CONTROL THAT PROHIBITS THE ARREST AND/OR CHARGING OF THE OFFENDER (MARK ONLY ONE).
  - LACK OF PROSECUTION BY BY D. A. FOR NON-EVIDENTIARY REASON
  - LACK OF PROSECUTION BY COMPLAINANT  ORAL CONFESSION WITH MINIMAL EVIDENCE
  - MINOR OFFENSE (JUVENILE ONLY)  DEATH OF DEFENDANT
- OTHER 2B WARRANT 2B FILED
- UNFOUNDED  INACTIVE  CLEARED BY INVESTIGATION (INVESTIGATION CASES ONLY)
- CASE OPEN AND ACTIVE INVESTIGATION CONTINUING

ORIGINAL INFORMATION REPORT NON-PUBLIC

HOUSTON POLICE DEPARTMENT  
OFFENSE REPORT

PAGE 1.001

Incident no. 099980100 X

SUPPLEMENT(S)

0-0002

Offense- ENVIRONMENTAL INVESTIGATION

Street location information

Number- 2300 Name-DIXIE Type- Suffix-  
St no- Name-ALMEDA Type- Suffix-  
Date of offense-07/25/00 Date of supplement-08/08/00  
Compl(s) Last-THE STATE OF TE First-XAS Middle-  
Last-

Recovered stolen vehicles information

Stored- by- Ph#- (000) 000-0000  
Officer1-M.S. WALSH Emp#-085864 Shift-1 Div/Station-MOD/EIU

SUPPLEMENT NARRATIVE

THIS IS AN ENVIRONMENTAL INVESTIGATION WHERE THE EVIDENCE WAS PRESENTED TO THE HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE & A 2B WARRANT FILED ON THE SUSPECT FOR A VIOLATION OF THE TEXAS LITTER ABATEMENT ACT, TEXAS HEALTH & SAFETY CODE 55.012, A CLASS "A" MISDEMEANOR.

ON 080400 AT APPROX. 1700 HRS [REDACTED] THE SUSPECT AT HIS PLACE OF BUSINESS, WHICH IS LOCATED ON THE NORTHEAST CORNER OF DUMBLE & BALKIN. THE SUSPECT DROVE UP TO HIS FACILITY IN THE LISTED VEHICLE. THE SUSPECT WAS TRANSPORTED TO THE CITY JAIL LOCATED AT 61 RIESNER WHERE THE TRANSPORTING UNIT WAS INSTRUCTED TO PLACE A HOLD ON HIM FOR MAJOR OFFENDERS DIVISION. OFFICER BT WOODEN PLACED A HOLD ON THE SUSPECT FOR FUGITIVE.

PRIOR TO LEAVING THE SCENE WALSH SPOKE WITH THE [REDACTED], [REDACTED]. WALSH NOTICED APPROX. [REDACTED]. THE [REDACTED]. WALSH INQUIRED AS TO [REDACTED]. [REDACTED] STATED THAT HE HAS [REDACTED] IN THE BACK OF HIS TRUCK (LISTED VEHICLE) ON AT LEAST [REDACTED] BUT WAS [REDACTED].

WALSH TOOK SEVERAL PICTURES OF THE SCENE AND LEFT. WALSH HAD BEEN INFORMED BY FRANCISCO THAT HE WANTED TO SPEAK TO HIS ATTORNEY & DECLINED A INTERVIEW. WALSH SPOKE WITH JAILER HAILEY & RELEASED THE HOLD AT 1900 HRS.

\*\*\*\*\*THIS CASE WILL BE CLOSED ARREST\*\*\*\*\*

CASE DISPOSITION (MARK ONLY ONE CATEGORY) ANY SUSPECTS MUST BE LISTED ON PAGE 9  
ARRESTED AND CHARGED IN THIS CASE (INCLUDES JUVENILES ARRESTED AND REFERRED)  
ARRESTED AND CHARGED IN OTHER CASES (BUT NOT THIS CASE)  
EXCEPTIONAL CLEARANCES -- MUST HAVE THE FOLLOWING CONDITIONS IN NARRATIVE:  
IDENTITY OF OFFENDER IS ESTABLISHED, AND ENOUGH INFORMATION EXISTS TO  
SUPPORT AN ARREST, CHARGE, AND PROSECUTION, AND EXACT LOCATION OF THE  
OFFENDER IS KNOWN, AND THERE IS SOME REASON BEYOND LAW ENFORCEMENT CONTROL

.....

THAT PROHIBITS THE ARREST AND/OR CHARGING OF THE OFFENDER (MARK ONLY ONE).

- LACK OF PROSECUTION BY BY D. A. FOR NON-EVIDENTIARY REASON
- LACK OF PROSECUTION BY COMPLAINANT  ORAL CONFESSION WITH MINIMAL EVIDENCE
- MINOR OFFENSE (JUVENILE ONLY)  DEATH OF DEFENDANT
- OTHER

UNFOUNDED  INACTIVE  CLEARED BY INVESTIGATION (INVESTIGATION CASES ONLY)

CASE OPEN AND ACTIVE INVESTIGATION CONTINUING

Supplement entered by = 85864

800  
ETS

221-87-249

OFFICE OF MOLLY A. PRYOR, COUNTY CLERK, HARRIS COUNTY, TEXAS  
P.O. BOX 1828 • HOUSTON, TEXAS 77251-1828

872907

ASSUMED NAME RECORDS  
CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS OR PROFESSION

NOTICE: "CERTIFICATE OF OWNERSHIP" AND TALKS ONLY FOR A PERIOD NOT TO EXCEED 10 YEARS FROM THE DATE FILED BY THE COUNTY CLERK. THIS  
(Article 16.11, Title 1 - Business and Consumer Code)

(This certificate, when properly completed, is to be filed immediately with the County Clerk.)

NAME IN WHICH BUSINESS IS OR WILL BE CONDUCTED

Valitron Distributed  
(print or type name of business)

AS 00077008 B. 1997 \$ 5.00

BUSINESS ADDRESS: 1930 Oakdale #117 202

CITY: HOUSTON STATE: TEXAS ZIP CODE: 77004

PERIOD (not to exceed 10 years) DURING WHICH ASSUMED NAME WILL BE USED: 10

BUSINESS IS TO BE CONDUCTED AS (Check Which One):  Proprietorship  Sole Practitioner  
 General Partnership  Limited Partnership  Joint Venture  
 Joint Stock Company  Other (name type) \_\_\_\_\_

CERTIFICATE OF OWNERSHIP

I/We, the undersigned, are the owner(s) of the above business and my/our name(s) and address(es) given is/are true and correct, and there is/are no ownership(s) in said business other than those listed herein below.

- NAMES OF OWNERS -

NAME Riley Joseph Francisco SIGNATURE Riley Francisco  
(print or type)

Residence Address 1930 Oakdale #A Houston Texas Zip Code 77004

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

NAME 97DEC 28 AMILL SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address County Clerk Harris County Texas Zip Code \_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared \_\_\_\_\_

RILEY JOSEPH FRANCISCO

known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me the  
he/she/they are the owner(s) of the above-named business and that he/she/they signed the same for the purpose and  
consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on DECEMBER 28, 1993

(Seal)

Eric I. Steffy  
County Clerk Harris County Texas

Form No. CC-9-05-13-01 (Rev. 06/91)

ERIC I. STEFFY DE UT

IDL-05775229

220-99-1279

500

OFFICE OF MOLLY A. PRYOR, COUNTY CLERK, HARRIS COUNTY, TEXAS  
P.O. BOX 1828 • HOUSTON, TEXAS 77251-1828

866936

ASSUMED NAME RECORDS  
CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS OR PROFESSION

NOTICE: CERTIFICATE OF OWNERSHIP AND VALID ONLY FOR A PERIOD NOT TO EXCEED 10 YEARS FROM THE DATE FILED IN THE COUNTY CLERK'S OFFICE  
(Chapter 93, § 1.1, Title 4 - Business and Commerce Code) 1 09/02/93 AS 00034954 66936 \$ 5.00

(This certificate, when properly executed, is to be filed immediately with the County Clerk)

NAME IN WHICH BUSINESS IS OR WILL BE CONDUCTED

Kard R Mfg Co  
(print or type name of business)

BUSINESS ADDRESS: 1930 oakdale suit 200

CITY: Houston STATE: Texas ZIP CODE: 77004

PERIOD (not to exceed 10 years) DURING WHICH ASSUMED NAME WILL BE USED: 10

BUSINESS IS TO BE CONDUCTED AS (Check Which One):  Proprietorship  Sole Practitioner  
 General Partnership  Limited Partnership  Joint Venture  
 Joint Stock Company  Other (name type) \_\_\_\_\_

CERTIFICATE OF OWNERSHIP

I/We, the undersigned, are the owner(s) of the above business and my/our name(s) and address(es) given herein are true and correct, and there is/are no ownership(s) in said business other than those listed herein below.

NAMES OF OWNERS

NAME Riley Francisco SIGNATURE Riley Francisco  
(print or type)

Residence Address 1930 oakdale # 20 Zip Code 77004

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

NAME FILED SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address 93 SEP -2 PM 2: 04 Zip Code \_\_\_\_\_

NAME Vera F. Glover SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(print or type)

Residence Address \_\_\_\_\_ Zip Code \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared \_\_\_\_\_

RILEY FRANCISCO

known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me the purpose and consideration therein expressed. I/We, the owner(s) of the above-named business and that he/she/they signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on SEPT 2, 1939

(Seal)

Vera F. Glover  
Notary Public in and for the State of Texas

VERA F. GLOVER -DEPUTY

Form No. CC-B-08-13-01 (Rev. 06/93)

YDL-05778229

OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS

Date 08/02/00 Trace 1400269155 43373

Fat \$ .00

Cl. No.

112

ORDER FOR NON-CERTIFIED COPY OF RECORDS

This form becomes a receipt only when validated by County Clerk's register.

Cash  Check

No. of Copies	Name of Record	Date	File or Dkt. No.	Volume	Page	Name on Record	Film Code Numbers	# Pgs
1	AM		491798			House of time	206-86-1692	1
1			958024				228-86-2026	1
1			959603				228-89-1803	1
1			959604				228-89-1804	1
1			1024694				220-99-1139	1
1			131278				223-97-0164	1
1			131279				223-97-0165	1
1			905242				223-97-2036	1

Order Placed By: Migon Hernandez Bowers Phone No: 713-218-5550

Attention: conservator Mike S. Walker

Address: (City, State, Zip) 400 City of Houston

Phone When Ready  Pick Up When Ready  Mail When Ready

No. of Instruments Ordered	<u>8</u>	No. of Pages at \$1 each page	<u>8</u>	Total Fee	<u>\$ 112 Fee</u>	Date Ordered	<u>8/2/00</u>	Time Promised	
Order Taken By: <u>Maria P. Hernandez</u>						Signed Up By: <u>[Signature]</u>			

Blue to Clerk's records - Pink to Auditor - Canary to Customer

NON-CC # 43373

Ct. No.

*[Handwritten Signature]*

OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS

Date 08/02/00 Trace 1400269156 43374

Rate \$1.00

**ORDER FOR NON-CERTIFIED COPY OF RECORDS**

*This form becomes a receipt only when validated by County Clerk's register.*

Cash  Check

No. of Copies	Name of Record	Date	File or Dkt. No.	Volume	Page	Name on Record	Film Code Numbers	# Pgs
1	AM		586950			Riley Thomas	208-99-1839	1
1			663335				210-94-1265	1
1			848936				220-99-1279	1
1			722820				212-94-0805	1
1			722466				212-94-0041	1
1			872907				221-87-1249	1

Order Placed By: *Morgan Henderson* Attention: *Sergeant Mike S. Walker* Phone No: *FAK*

Address: (City, State, Zip) *110 City of Houston* Phone When Ready  Pick Up When Ready  Mail When Ready

No. of Instruments Ordered	No. of Pages at \$1 each page	Total Fee	Date Ordered	Time Promised
6	6	\$ 120 Fee	8/2/00	

Order Taken By: *[Signature]* Picked Up By:

Blue to Clerk's records - Pink to Auditor - Canary to Customer

NON-CC # 43374

50/35

722520

211-94-0889

OFFICE OF ANITA BISHOP, CLERK OF COURTS, HARRIS COUNTY, TEXAS P.O. BOX 1525, HOUSTON, TEXAS 77251

1 02/13/87 45 0422545 722520 1 5 50

ASSUMED NAME RECORDS CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS OR PROFESSION

NOTICE: CERTIFICATES OF OWNERSHIP ARE VALID ONLY FOR A PERIOD NOT TO EXCEED 10 YEARS FROM THE DATE FILED IN THE COUNTY CLERK'S OFFICE. Chapter 24, Section 1, Title 4, Business and Government Code

This certificate is to be filed immediately with the County Clerk.

NAME IN WHICH BUSINESS IS OR WILL BE CONDUCTED

R & R Discount Grocery Store

BUSINESS ADDRESS 5308 Alameda

CITY Houston STATE TX ZIP CODE 77004

PERIOD (not to exceed 10 years) DURING WHICH ASSUMED NAME WILL BE USED 10-25

BUSINESS IS TO BE CONDUCTED AS (Check which One) Proprietorship Sole Proprietorship Joint Venture General Partnership Limited Partnership Real Estate Investment Trust Joint Stock Company Other (name type)

CERTIFICATE OF OWNERSHIP

I/We, the undersigned, are the owner(s) of the above business and my/our name(s) and address(es) given are true and correct, and there is/are no ownership(s) in said business other than those listed herein below.

NAMES OF OWNERS

NAME Riley Francisco SIGNATURE [Signature] Residence Address 5302 Alameda Houston, TX Zip Code 77004

NAME Lauba Francisco SIGNATURE [Signature] Residence Address 5302 Alameda Houston, TX Zip Code 77004

NAME [Blank] SIGNATURE [Blank] Residence Address [Blank] Zip Code [Blank]

NAME [Blank] SIGNATURE [Blank] Residence Address [Blank] Zip Code [Blank]

NAME [Blank] SIGNATURE [Blank] Residence Address [Blank] Zip Code [Blank]

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared RILEY FRANCISCO AND LAUBA FRANCISCO

known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is the owner(s) of the above-named business and that he signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, ON

FEBRUARY 13 19 87

SEAL

[Signature of Donna S. Bischof]

DONNA S. BISCHOF - DEPUTY COUNTY CLERK

5-200/06

210-94-1215

663335

OFFICE OF ANITA RODENGAVER COUNTY CLERK HARRIS COUNTY, TEXAS P.O. BOX 1225, HOUSTON, TEXAS 77251

1947/95 45 40179433 443335 1 5 00

ASSUMED NAME RECORDS CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS OR PROFESSION

NOTICE: CERTIFICATES OF OWNERSHIP ARE VALID ONLY FOR A PERIOD NOT TO EXCEED 10 YEARS FROM THE DATE FILED IN THIS COUNTY. TEXAS OFFICIAL CODE CHAPTER 38, SUBCHAPTER 1, TITLE 4 - BUSINESS AND COMMERCE CODE.

(This certificate is to be filed immediately with the County Clerk) NAME IN WHICH BUSINESS IS OR WILL BE CONDUCTED

Riley's Discount Furniture Store

BUSINESS ADDRESS 4405 Dowling

CITY: Houston STATE: Texas ZIP CODE: 77004

PERIOD (not to exceed 10 years) DURING WHICH ASSUMED NAME WILL BE USED 10

BUSINESS IS TO BE CONDUCTED AS (Check Which One): Proprietorship, Sole Practitioner, Joint Venture, General Partnership, Limited Partnership, Real Estate Investment Trust, Joint Stock Company, Other (name type)

CERTIFICATE OF OWNERSHIP

I/We, the undersigned, are the owner(s) of the above business and my/our name(s) and address(es) given herein true and correct, and there is/are no ownership(s) in said business other than those listed herein below

NAMES OF OWNERS

NAME: Riley Francisco SIGNATURE: Riley Francisco

Residence Address: 11002 58105 Houston, TX 77004 Zip Code: 77004

NAME: 5302 Alameda Houston Texas SIGNATURE:

Residence Address: Zip Code:

NAME: FILED SIGNATURE:

Residence Address: Zip Code:

NAME: Anita Ferotberg COUNTY CLERK HARRIS COUNTY, TEXAS SIGNATURE:

Residence Address: Zip Code:

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Riley Francisco

known to me to be the person whose name is/are subscribed to the foregoing instrument and acknowledged to me that he/she are the owner(s) of the above named business and that he/she signed the same for the purpose and consideration therein expressed.

April 19, 1995

GIVEN UNDER MY HAND AND SEAL OF OFFICE on

(SEAL)

Anita Ferotberg

County Clerk for the State of Texas

Anne Ferotberg-Deputy



16

V  
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LIC 3BZJ16 EXPIRES AUG/00 EWT 4700 GWT 5700 TONS 1/2  
TRUCK PLT, STKR 16165768WA REG CLASS 35 \$ 61.88  
TITLE 10165136369100043 ISSUED 08/18/99 ODOMETER N/A  
86 GMC PK 1GTDC14NXGS528857 TRK<=1  
PREVIOUS OWNER BETTER AUTO CO HOUSTON TX  
OWNER RILEY JOSEPH FRANCISCO, 1930 OAKDALE, HOUSTON, TX 77004  
PLATE AGE: 0  
REMARKS PLATE LE4836 CANCELLED ON 1999/07/30.



Affiant, Michael S. Walsh, is a criminal investigator assigned to Major Offenders Division, Environmental Investigations Unit. Affiant received a citizen's complaint concerning an illegal dumping in the 2300 block of Dixie Drive, Houston, Harris County, Texas, a place that is not an approved solid waste site.

On July 28, 2000 Affiant met with Kevin B. Sapp a credible and reliable person with no known criminal record and employed with Brazos County, Precinct #4 as a constable. According to Witness Sapp, on July 25, 2000 at approximately 2115hrs he and Adam T. Muery were traveling back to his work place located at 3310 Alice. As they approached Alice Street they observed an older model pickup truck pulling out of the dead end street with a load of commercial size, truck tires.

Witness Sapp knows the 3300 block of Alice to be a chronic illegal dumpsite and believing that the sole occupant of the truck was going to dump the tires, they follow the vehicle. Witness Sapp and Muery were in an unmarked Ford Taurus. Without losing sight of the vehicle for any substantial amount of time they followed the vehicle to the dead end street in the 2300 block of Dixie Drive. This location is approximately one (1) mile from the 3300 block of Alice. Witnesses Sapp and Muery observed the driver exit the vehicle and walk back towards the back of the truck. After a few moments they approached the driver and identified themselves as police officers.

Witnesses Sapp and Muery observed the suspect standing next to the tailgate of the truck, which was down and five (5) truck tires in the ditch. The suspect stated "do you want me to put the tires back in the truck"? The suspect was identified by his Texas drivers license as the Riley Joseph Francisco. Defendant Francisco put the tires back into his truck and was released. Witness Sapp contacted Affiant concerning the incident.

Affiant checked the Harris County Clerk's office and confirmed that Defendant Francisco is operating a tire business under the assumed name of "House of Tires" located at 6423 Dumble, less than three (3) miles from the site where the tires were dumped.

The evidence clearly indicates that Defendant Francisco intentionally and knowingly for a commercial purpose transported and disposed of solid waste, namely tires which weighed more than five (5) pounds to a place other than an approved solid waste site. Illegal dumping is a criminal offense of Chapter 365, Texas Health and Safety Code.

Based on the forgoing Affiant has reason to believe and does believe that Defendant Francisco committed the offense of illegal dumping as set out above.

# ENVIRONMENTAL CRIMES DIVISION

12

<p>AGENCY: HPD/EIU</p> <p>OR #: 999801000MPING</p> <p>CJIS #:</p>	<p>DEFENDANT: RILEY JOSEPH FRANCISCO d/b/a HOUSE OF TIRES</p> <p>OFFENSE: ILLEGAL DUMPING</p> <p>CCCL#: 12.1013901</p>																									
<p>Prosecutor Accepting Charge:</p>	<p>CO-Defendant:</p>																									
<p>First Setting Date:</p>	<p>OFFENSE: Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/></p>																									
<p>DEFENSE ATTORNEY'S NAME AND PHONE:</p>	<p>TRANSFERRED TO:</p>																									
<p>RESETTING RECORD AND REASONS:</p> <p>READY      HOLD      R/S TO:</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p> <p>6. _____</p> <p>7. _____</p>	<p>REASON:</p> <p>FELONY PENDING:</p> <p>DISTRICT COURT:</p> <p>PRIOR CRIMINAL HISTORY:</p>																									
<p>IF RESET FOR TRIAL, DO FOLLOWING, THEN DATE AND INITIAL</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p>	<p>PROSECUTOR: B. SMITH</p> <p>DATE: 11/04/2000</p> <p>REC. TO COURT: JURY TRIAL</p>																									
<p>DISMISSAL</p> <p>1. PLEAD GUILTY ON OTHER CHARGE</p> <p>2. IN CUSTODY ELSEWHERE</p> <p>3. MISSING WITNESS</p> <p>5. REQUEST OF C/W</p> <p>6. MOTION TO SUPPRESS GRANTED</p> <p>7. CO-DEF CONVICTED</p> <p>INSUFFICIENT EVIDENCE THIS DEFENDANT</p> <p>DETAILS OF DISMISSALS (i.e. NAME OF MISSING WITNESSES, BASIS OF INSUFFICIENT EVIDENCE, ETC. OR REASONS FOR REDUCTIONS.)</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td>PG <input type="checkbox"/></td> <td>W/REC <input type="checkbox"/></td> <td>COURT <input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/> PNG</td> <td>W/O REC <input type="checkbox"/></td> <td><input checked="" type="checkbox"/> JURY</td> </tr> <tr> <td colspan="3">NOLO <input type="checkbox"/></td> </tr> </table> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th>RESULT</th> <th>PUNISHMENT</th> <th>PENALTY</th> <th>PROBATION</th> </tr> </thead> <tbody> <tr> <td>GUILTY</td> <td><input checked="" type="checkbox"/></td> <td>COURT <input type="checkbox"/></td> <td></td> </tr> <tr> <td>NOT GUILTY</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/> JURY</td> <td><input type="checkbox"/></td> </tr> <tr> <td>HUNG JURY</td> <td><input type="checkbox"/></td> <td>MISTRIAL</td> <td><input type="checkbox"/> PROB. TERM</td> </tr> </tbody> </table>	PG <input type="checkbox"/>	W/REC <input type="checkbox"/>	COURT <input type="checkbox"/>	<input checked="" type="checkbox"/> PNG	W/O REC <input type="checkbox"/>	<input checked="" type="checkbox"/> JURY	NOLO <input type="checkbox"/>			RESULT	PUNISHMENT	PENALTY	PROBATION	GUILTY	<input checked="" type="checkbox"/>	COURT <input type="checkbox"/>		NOT GUILTY	<input type="checkbox"/>	<input checked="" type="checkbox"/> JURY	<input type="checkbox"/>	HUNG JURY	<input type="checkbox"/>	MISTRIAL	<input type="checkbox"/> PROB. TERM
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HUNG JURY	<input type="checkbox"/>	MISTRIAL	<input type="checkbox"/> PROB. TERM																							

2/2/\$2,000.00 + CC  
AGREES PUNISHMENT

THE STATE OF TEXAS  
VS.  
RILEY JOSEPH FRANCISCO d/b/a  
HOUSE OF TIRES  
6423 DUMBLE  
HOUSTON, TEXAS 77004

SPN: 00526677  
DOB: BM/9-6-54  
DATE PREPARED: 8-2-00

D.A. LOG NUMBER: 618404  
CJIS TRACKING NO.:  
BY: MM DA NO: 0270  
AGENCY: HPD/EIU  
O/R NO: 999801000MPING  
ARREST DATE: TO BE

NCIC CODE: 5533/06 RELATED CASES: NONE

MISDEMEANOR CHARGE: ILLEGAL DUMPING

CAUSE NO:

BAIL: \$2,000  
PRIOR CAUSE NO:

HARRIS COUNTY CRIMINAL COURT AT LAW NO:  
FIRST SETTING DATE:

*Paul R. ...*  
IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, RILEY JOSEPH FRANCISCO dba HOUSE OF TIRES, hereafter styled the Defendant, heretofore on or about JULY 25, 2000, did then and there unlawfully, for a commercial purpose, intentionally and knowingly transport litter and other solid waste, namely, TIRES, having an aggregate weight of more than five pounds, to a place that was not an approved solid waste site for disposal at the site.

It is further presented that in Harris County, Texas, RILEY JOSEPH FRANCISCO dba HOUSE OF TIRES, hereafter styled the Defendant, heretofore on or about JULY 25, 2000, did then and there unlawfully, for a commercial purpose, intentionally and knowingly dispose, allow, and permit the disposal of litter and other solid waste, namely, TIRES, having an aggregate weight of more than five pounds, at a place that was not an approved solid waste site.

Affiant, Michael S. Walsh, is a criminal investigator assigned to Major Offenders Division, Environmental Investigations Unit. Affiant received a citizen's complaint concerning an illegal dumping in the 2300 block of Dixie Drive, Houston, Harris County, Texas, a place that is not an approved solid waste site.

On July 28, 2000 Affiant met with Kevin B. Sapp a credible and reliable person with no known criminal record and employed with Brazos County, Precinct #4 as a constable. According to Witness Sapp, on July 25, 2000 at approximately 2115hrs he and Adam T. Muery were traveling back to his work place located at 3310 Alice. As they approached Alice Street they observed an older model pickup truck pulling out of the dead end street with a load of commercial size, truck tires.

Witness Sapp knows the 3300 block of Alice to be a chronic illegal dumpsite and believing that the sole occupant of the truck was going to dump the tires, they follow the vehicle. Witness Sapp and Muery were in an unmarked Ford Taurus. Without losing sight of the vehicle for any substantial amount of time they followed the vehicle to the dead end street in the 2300 block of Dixie Drive. This location is approximately one (1) mile from the 3300 block of Alice. Witnesses Sapp and Muery observed the driver exit the vehicle and walk back towards the back of the truck. After a few moments they approached the driver and identified themselves as police officers.

Witnesses Sapp and Muery observed the suspect standing next to the tailgate of the truck, which was down and five (5) truck tires in the ditch. The suspect stated "do you want me to put the tires back in the truck?" The suspect was identified by his Texas drivers license as the Riley Joseph Francisco. Defendant Francisco put the tires back into his truck and was released. Witness Sapp contacted Affiant concerning the incident.

Affiant checked the Harris County Clerk's office and confirmed that Defendant Francisco is operating a tire business under the assumed name of "House of Tires" located at 6423 Dumble, less than three (3) miles from the site where the tires were dumped.

The evidence clearly indicates that Defendant Francisco intentionally and knowingly for a commercial purpose transported and disposed of solid waste, namely tires which weighed more than five (5) pounds to a place other than an approved solid waste site. Illegal dumping is a criminal offense of Chapter 365, Texas Health and Safety Code.

Based on the foregoing Affiant has reason to believe and does believe that Defendant Francisco committed the offense of illegal dumping as set out above.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on 08 02 00

*[Signature]*  
AFFIANT

*[Signature]*  
ASSISTANT DISTRICT ATTORNEY  
OF HARRIS COUNTY, TEXAS

Probable Cause found \_\_\_\_\_ Date \_\_\_\_\_ Captus to issue \_\_\_\_\_  
Magistrate, Harris County, Texas

COMPLAINT

## ILLEGAL DUMPING

\*RILEY JOSEPH FRANCISCO DBA HOUSE OF TIRES

\* JULY 25, 2000

\*HARRIS COUNTY, TEXAS

\*INTENTIONALLY/KNOWINGLY

\*FOR A COMMERCIAL PURPOSE

\*TRANSPORT

\*LITTER & OTHER SOLID WASTE NAMELY, TIRES

\*AGGREGATE WEIGHT GREATER THAN 5 LBS

\*TO A PLACE THAT WASN'T AN APPROVED SITE FOR SOLID  
WASTE DISPOSAL

---

\*...DISPOSE, ALLOW & PERMIT THE DISPOSAL OF LITTER &  
OTHER SOLID WASTE ...

CAUSE NO. 1013901

THE STATE OF TEXAS	§	IN THE COUNTY CRIMINAL
V.	§	COURT AT LAW NO. 12 OF
RILEY JOSEPH FRANCISCO d/b/a	§	HARRIS COUNTY, TEXAS

HOUSE OF TIRES

MEMBERS OF THE JURY:

The Defendant, RILEY JOSEPH FRANCISCO, d/b/a HOUSE OF TIRES, stands charged by information with the offense of illegal dumping, alleged to have been committed in Harris County, Texas, on or about the 25<sup>th</sup> day of July 2000. To this charge the Defendant has pled not guilty.

A person commits the offense of illegal dumping if the person disposes of litter at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state; or a person also commits the offense of illegal dumping if the person transports litter to a place that is not an approved solid waste site for disposal at the site.

"Approved solid waste site" means:

- a solid waste site permitted by the Texas Water Commission or the Texas Department of Health;
- a solid waste site licensed by a county under Chapter 361; or
- a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

"Commercial purpose" means the purpose of economic gain.

"Dispose" and "dump" mean to discharge, deposit, inject, spill, leak, or place litter on or into land or water.

"Litter" means discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

Now therefore, if you believe from the evidence beyond a reasonable doubt, that the Defendant, RILEY JOSEPH FRANCISCO, d/b/a HOUSE OF TIRES, in Harris County, Texas, on or about the 25<sup>th</sup> day of July 2000, did then and there unlawfully, for a commercial purpose transport litter and other solid waste, namely, tires, having an aggregate weight of more than five pounds, to a place that was not an approved solid waste site for disposal at the site, or if you believe from the evidence beyond a reasonable doubt, that the Defendant, RILEY JOSEPH FRANCISCO, d/b/a HOUSE OF TIRES, in Harris County, Texas, on or about the 25<sup>th</sup> day of July 2000, did then and there unlawfully, for a commercial purpose, dispose, allow, or permit the disposal of litter and other solid waste, namely, tires, having an aggregate weight of more than five pounds, at a place that was not an approved solid waste site, you will find the Defendant guilty.

If you do not so believe or if you have a reasonable doubt thereof you will find the Defendant not guilty.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at the person's trial. The law does not require a defendant to prove his or her innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence in the case. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his or her own affairs.

Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "Not guilty."

You are instructed that the criminal information is not evidence of guilt. It is the means whereby a Defendant is brought to trial in a misdemeanor prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of this Defendant.

During your deliberations in this case, you must not consider, discuss or relate any matters not in evidence before you. You should not consider or mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired to your jury room, you should select one of your members as your foreperson. It is his or her duty to preside at your deliberations, vote with you and, when you have unanimously agreed upon a verdict, to certify to your verdict by signing the same as foreperson.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the evidence, but you are bound to receive the law from the Court, which is herein given to you, and be governed thereby.

A form for your verdict is hereto attached; your verdict must be in writing and signed by your foreperson. Your sole duty at this time is to determine the guilt or innocence of the Defendant under the information in this case, and restrict your deliberations solely to the issue of guilt or innocence of the Defendant.

No one has any authority to communicate with you except the officer who has you in charge. You may communicate with the court only in writing, signed by your presiding juror, delivered to the court by the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the court concerning questions you may have. You may not separate from each other without the court's permission, nor may you talk with anyone not of your jury regarding this case.

The presiding juror's duty is to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you must have your presiding juror indicate the jury's verdict by signing the particular form or forms that coincide with your verdict.

---

ROBIN BROWN, JUDGE,  
COUNTY CRIMINAL COURT AT LAW NO. 12  
HARRIS COUNTY, TEXAS

CAUSE NO. 1013901

THE STATE OF TEXAS

§

IN THE COUNTY CRIMINAL

V.

§

COURT AT LAW NO. 12 OF

RILEY JOSEPH FRANCISCO d/b/a

§

HARRIS COUNTY, TEXAS

HOUSE OF TIRES

**VERDICT**

We, the Jury, find the Defendant "Not Guilty."

---

FOREPERSON

We, the Jury, find the Defendant "Guilty."

---

FOREPERSON

Riley Joseph  
Francisco  
- House of Tires  
Case Photos

1072

FILE NUMBER \_\_\_\_\_ WORK ORDER NUMBER \_\_\_\_\_

ADDRESS OF VIOLATION \_\_\_\_\_

**MOUNT PHOTOGRAPHS BELOW**

BEFORE PHOTOS      DATE \_\_\_\_\_

AFTER PHOTOS      DATE \_\_\_\_\_



PW 220



OPEN TO THE PUBLIC

TRUCK TIRE WAREHOUSE

LOW PRO 24.5

PICK-A-TIRE \$59.99

LOW PRO 22.5

USED TRUCK TIRES

TRUCK TIRE WAREHOUSE

TIRE 22.5

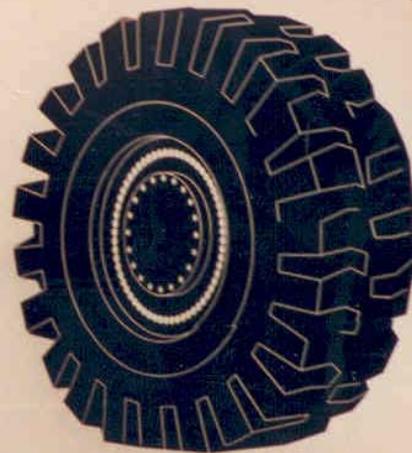


POLICE

TRUCK

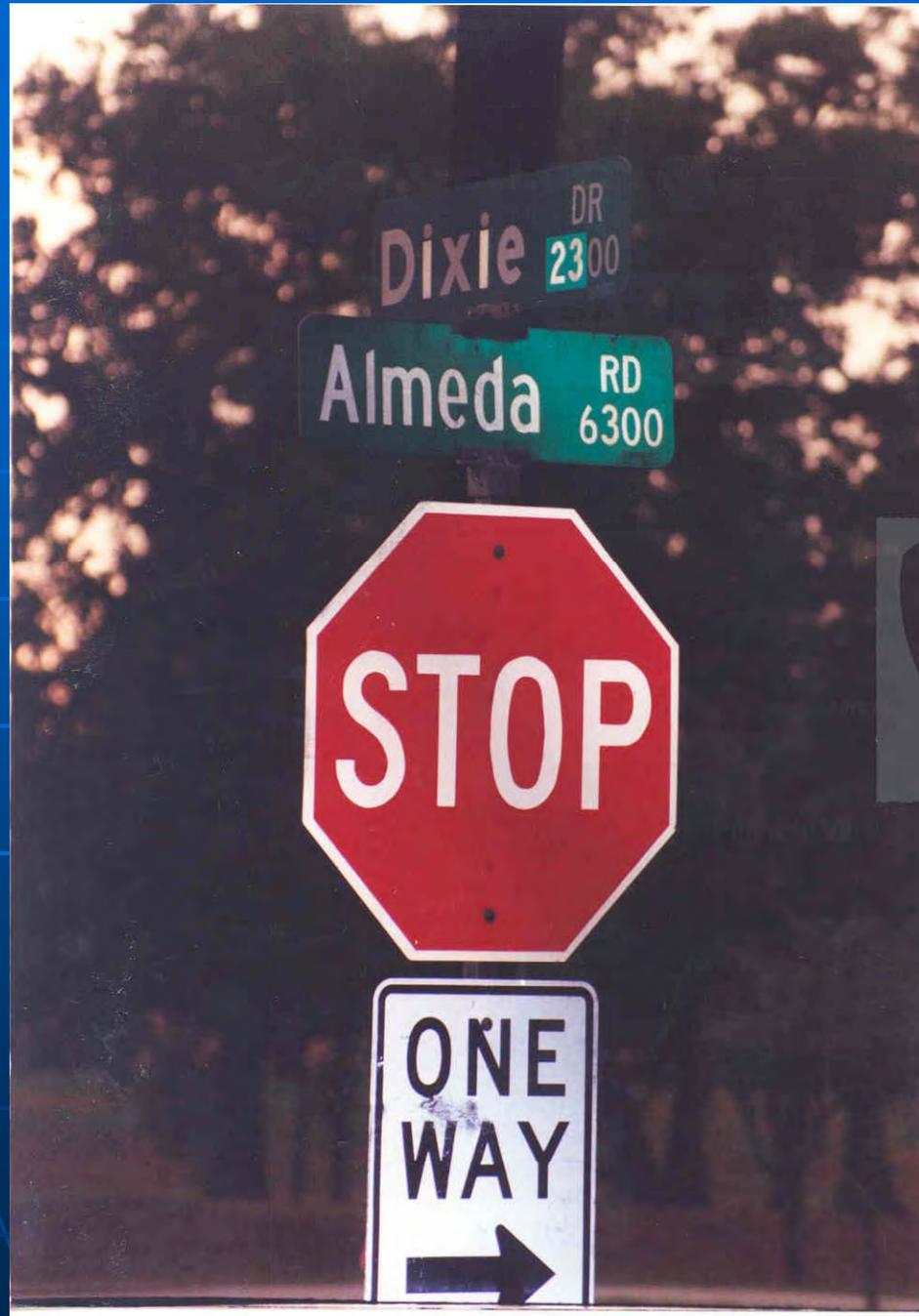
TIRE

WAREHOUSE



Destination - Interactive Map













BEFORE  
9551  
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Ref 2

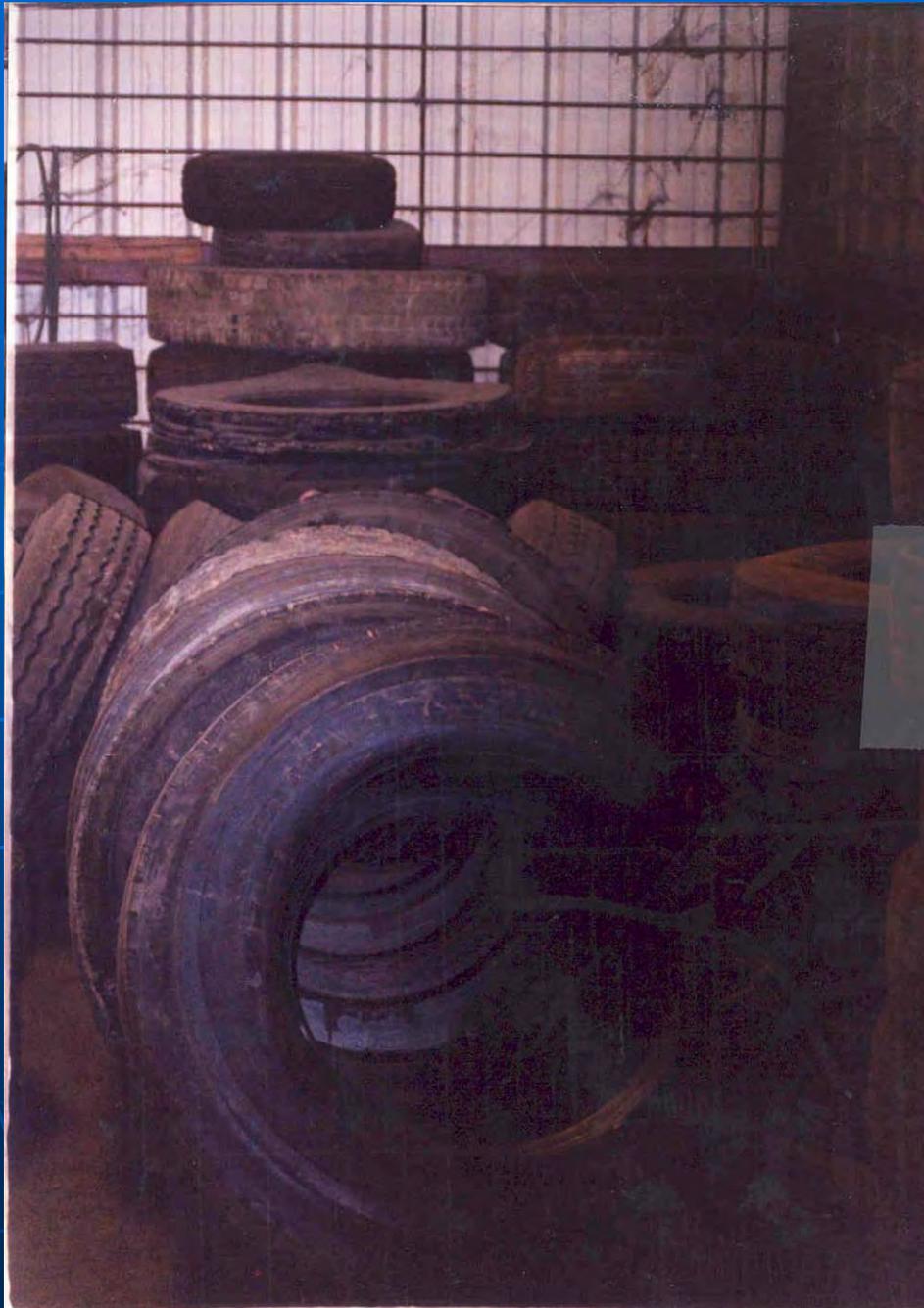
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WORK ORDER NUMBER \_\_\_\_\_

6 4 2 3

Mon. thru Fri. 8:00 am - 6:00 pm  
Sat. 8:00 am - 12:00 Closed Sun.

insured by ADI





























KENNETH  
EAKINS



BENNIE  
JINGLES



PW 220

FILE NUMBER \_\_\_\_\_ WORK ORDER NUMBER \_\_\_\_\_ / \_\_\_\_\_

ADDRESS OF VIOLATION \_\_\_\_\_

**MOUNT PHOTOGRAPHS BELOW**

BEFORE PHOTOS      DATE \_\_\_\_\_

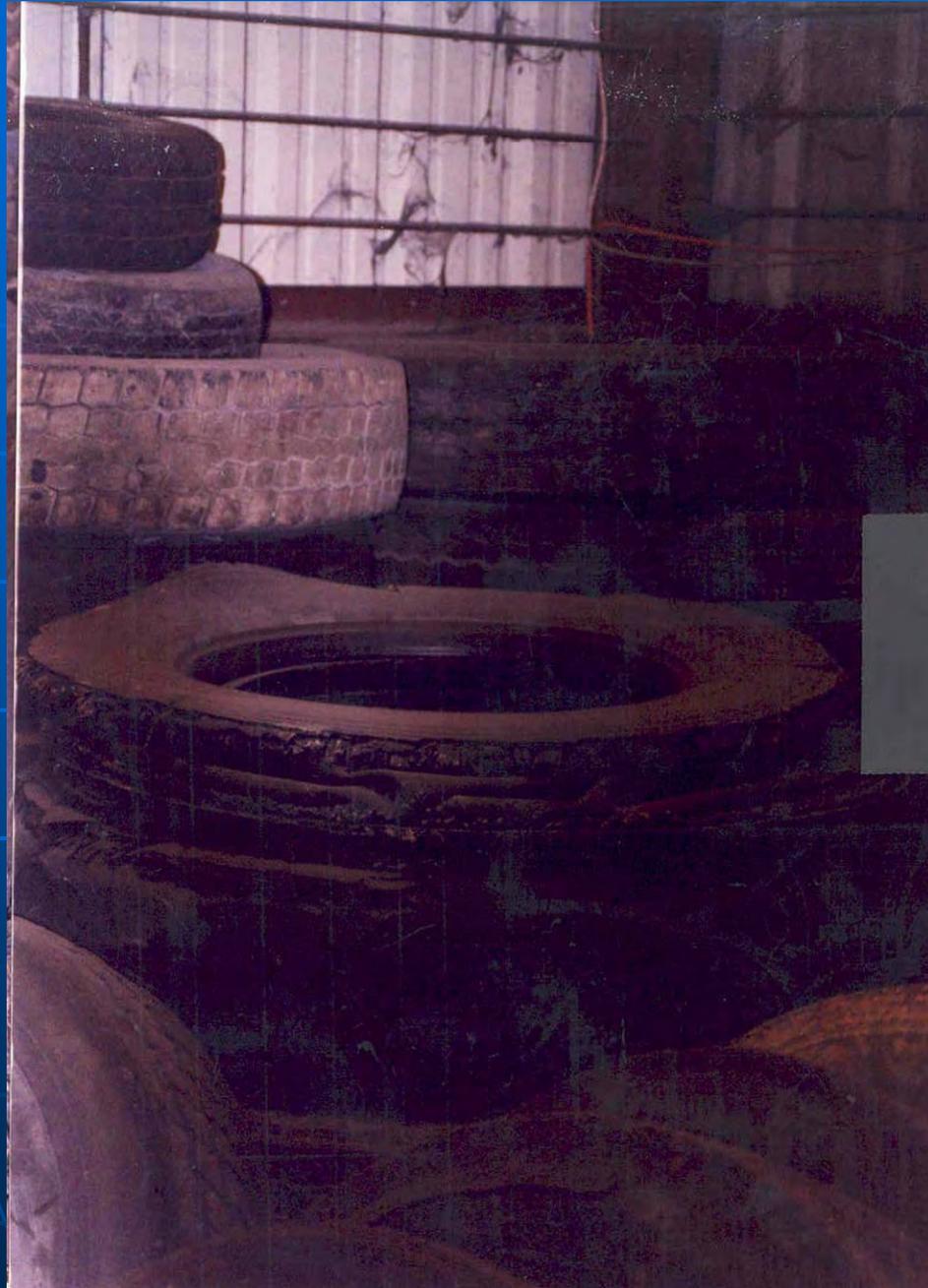
AFTER PHOTOS      DATE \_\_\_\_\_

ANTHONY  
PATTERSON



















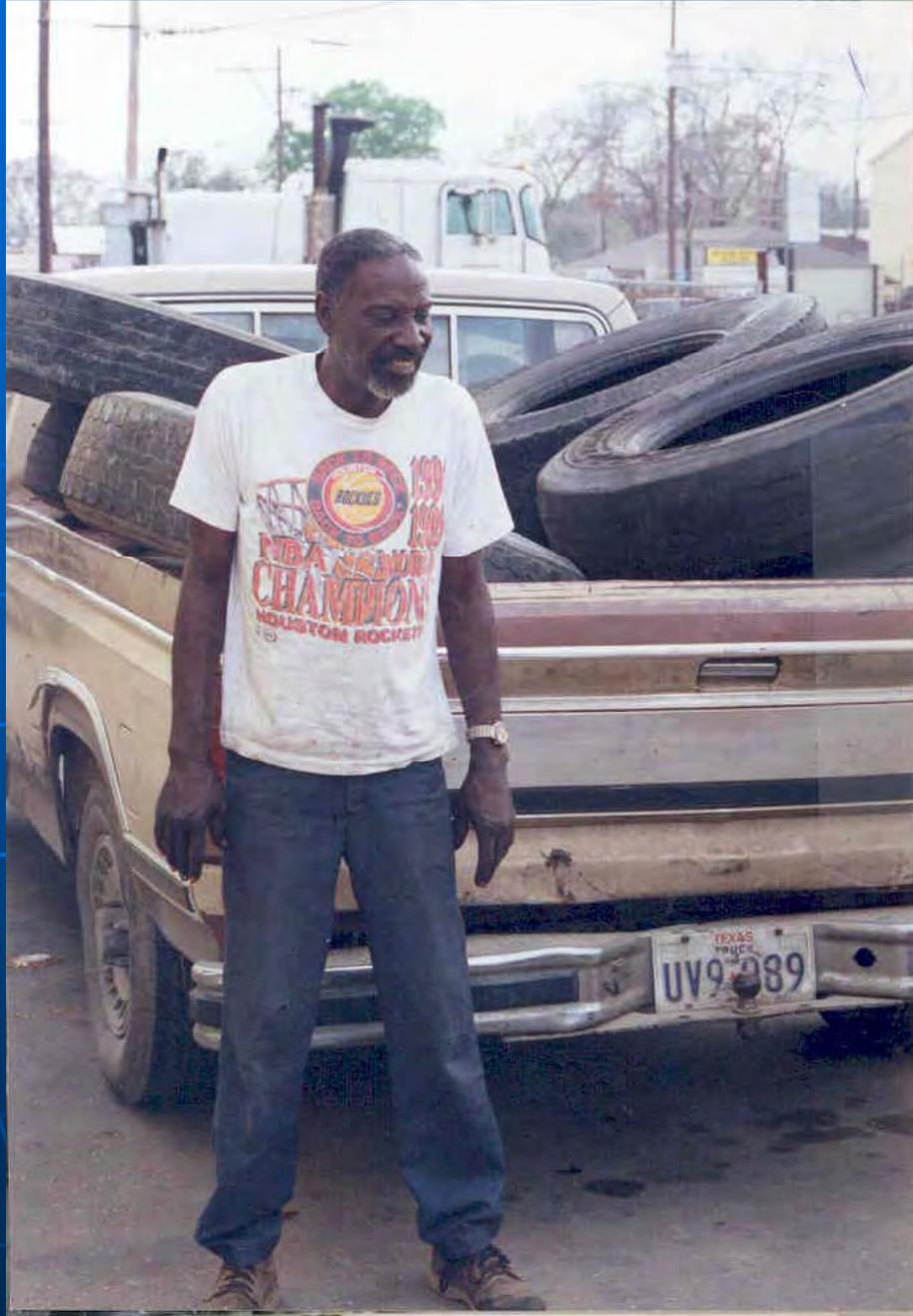


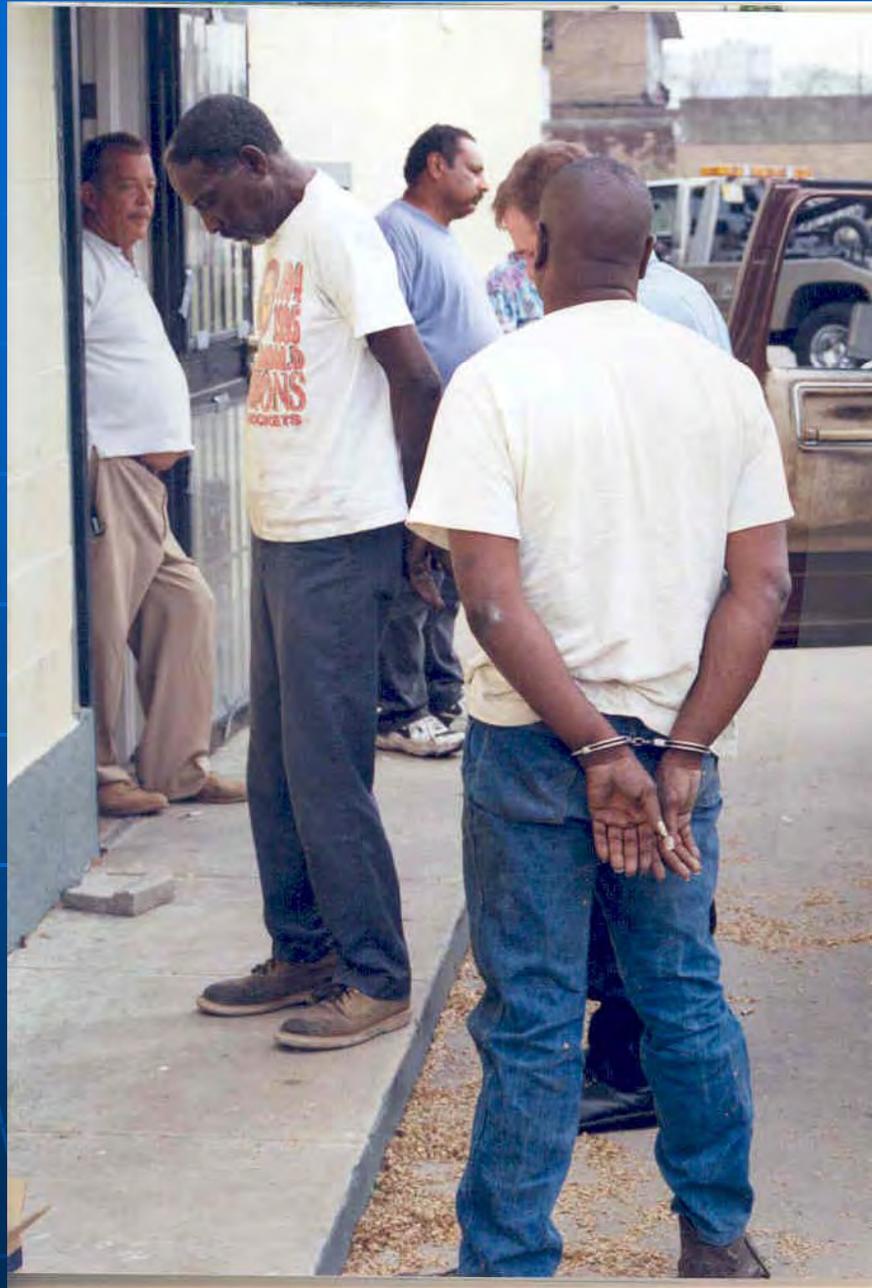


































PW 220

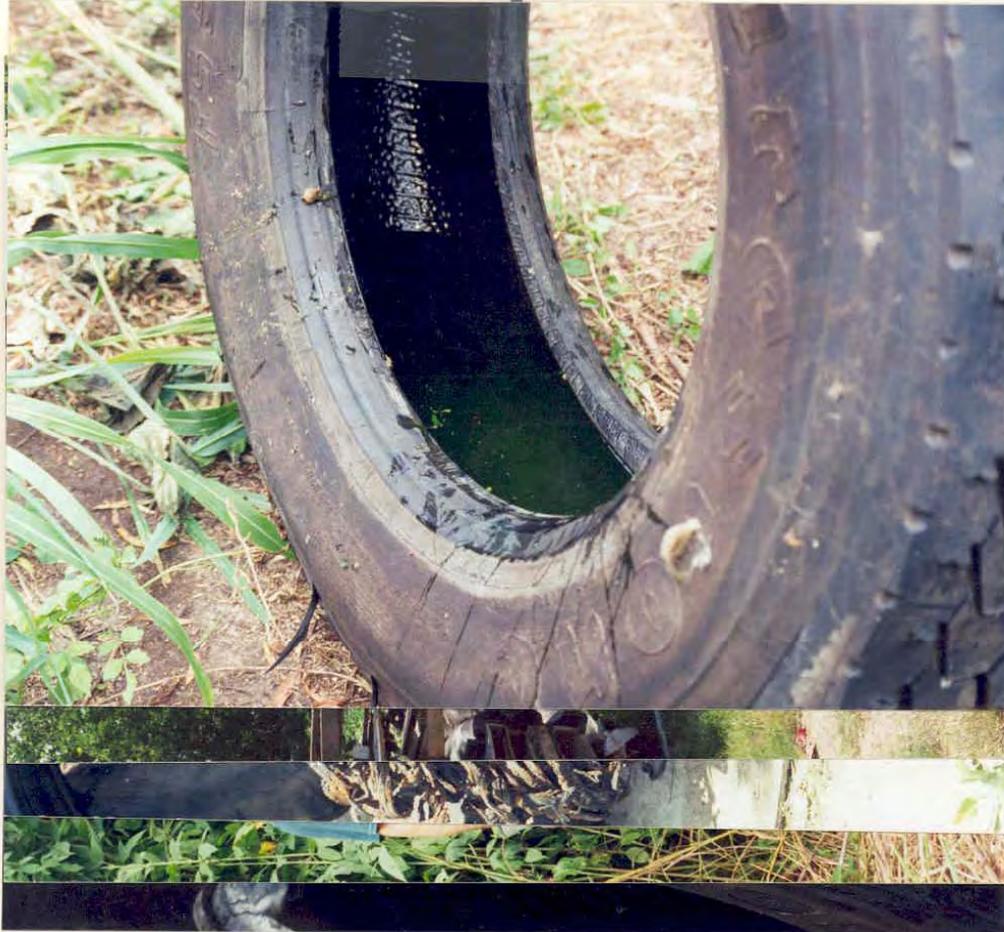
92-358







11  
CORTEX

















Turbine  
Chrome  
Services, Inc.

C. O. BRADFORD  
CHIEF OF POLICE



DIVISION MAJOR OFFENDERS

BUREAU CRIMINAL INVESTIGATIONS

COMMAND ENVIRONMENTAL INVESTIGATIONS UNIT

COMPLAINANT THE STATE OF TEXAS

DEFENDANT TURBINE CHROME SERVICES, INC., CULBERSON ALFRED PARRISH

OFFENSE/CHARGE STORAGE AND DISPOSAL OF HAZRADOUS WASTE. USED OIL ACT VIOLATION

DATE OF OFFENSE FEBRUARY 10TH, 1999

LOCATION 7419 AVENUE O HOUSTON/HARRIS COUNTY, TEXAS

OFFICERS SERGEANT M.S. WALSH

COURT DISTRICT COURT OF LAW

CAUSE # #

COPY \_\_\_\_\_

CURRENT INFORMATION REPORT NON-POLICE

HOUSTON POLICE DEPARTMENT PAGE 1.001  
CURRENT INFORMATION REPORT Incident no. 017834999 K

Offense- ENVIRONMENTAL INVESTIGATION  
UCR Offense codes- 00000/00000/00000  
Premises- CHROME PLATING FACILITY Weather- WARM

Location: Street no- 007419 Name- AVE O  
City- Houston County- Harris Kmap-495S Dist-11 Beat-11H10  
Neighborhood code-00071 Desc-CENTRAL PARK

Begin date- MO 02/08/99 Time- 1020 End date- TU 10/05/99 Time- 0600  
Received/Employee: Name-M.S. WALSH No.-085864 Date-02/08/99 Time-1020  
Is crime related-N Hate crime related-N

COMPLAINANT(S)

0-01 Business name-THE STATE OF TEXAS  
Address- 1100 North Loop West Houston, TEXAS 77002  
Phone: Home-(000) 000-0000 Business-(713) 755-7889 Ext-  
Force used against complainant- N  
Relation to susp-NONE

WITNESS(S)

ONE

REPORTER(S)

ONE

ARTICLES

- 0- 01 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-SAMPLE RESULTS UCR class-00  
Description-DOCUMENTS SHOWING THE ANALYTICAL RESULTS FROM ENVIRONMENTAL SAMPLES  
TAKEN BEFORE & DURING THE EXECUTION OF A SEARCH WARRANT AT LISTED FACILITY
- 0- 02 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-OTHER UCR class-00  
Description-NUMEROUS PHOTOS SHOWING THE CRIME SCENE AND LOCATION OF WHERE  
ANALYTICAL SAMPLES WERE TAKEN FROM
- 0- 03 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-DOCUMENTS UCR class-00  
Description-NUMEROUS DOCUMENTS & MISC. PAPERS RETRIEVED DURING THE EXECUTION OF  
THE SEARCH WARRANT AT THE LISTED FACILITY
- 0- 04 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-REPORTS UCR class-00  
Description-NUMEROUS REPORTS FROM OTHER AGENCIES CONCERNING THE ENVIRONMENTAL  
INVESTIGATION & VIOLATIONS DISCOVERED DURING THE EXECUTION OF THE SEARCH WARRANT

o- 05 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-PERMITS UCR class-00  
escription-COPIES OF PERMITS THAT HAD BEEN ISSUED TO THE LISTED FACILITY BY  
THER AGENCIES AND THEIR REPORTS

o- 06 Disposition-EVIDENCE Property tag no-0-0000-00 Complainant no-01  
Item type-DOCUMENTS UCR class-00  
escription-COPIES OF THE INVOICES INVOLVED IN THE INVESTIGATION, REMEDIATION &  
LEAS OF E... (REDACTED)

-----  
DETAILS OF OFFENSE

URING AN ENVIRONMENTAL INVESTIGATION IT WAS DETERMINED THAT THE LISTED SUSPECTS  
ERE IN VIOLATION OF NUMEROUS CITY, STATE & FEDERAL LAWS RELATING TO THE  
NVIRONMENTAL AND PUBLIC HEALTH & SAFETY.

fficer1: Name-M.S. WALSH Employee no-085864 Shift-1  
ivision/Station #-MOD/EIU Unit #-1750

all received: Date-02/08/99 Time-1020 Report made Date-02/08/99 Time-0600

SUSPECT(S)

o-01 Disposition-POSSIBLE /POSSIBLE HPD-no-000000  
 Name: Last-TURBINE Middle-CHROME  
 Address-7419 AVENUE O HOUSTON, TEXAS 77011-1715  
 Race- Sex- Age- -00 Hispanic-N Date of birth- / /  
 isc-TAXPAYER# 17422530356/CHARTER# 006388276-0/TYPE DOMESTIC PROFIT/PRES,SEC,  
 REAS: #2 SUSPECT (CULBERSON A. PARRISH)/ PS# 713-921-2277/800-992-5295/

o-02 Disposition-POSSIBLE /POSSIBLE HPO-no-000000  
 Name: Last-PARRISH First-CULBERSON Middle-ALFRED  
 Address-RT#2 BOX 283/HWY 290 HEMPSTEAD, TEXAS 77445  
 Race-W Sex-M Age-62-00 Hispanic- Date of birth- / /  
 Height-511 To- Weight-200 To-  
 Hair: Color-BROWN Type-STRAIGHT Length-MED  
 Complexion-MED Facial hair-  
 Speech/Accent-LOCAL ENGLISH Eye color-BROWN  
 Dress-WORK CLOTHES  
 isc-HM# 409-826-2822/WK# 713-921-2277/TDL# 03974019/SSN# 450-58-3875/PRESIDENT,  
 SECRETARY, TREASURER OF THE #1 SUSPECT TURBINE CHROME SERVICES, INC.

o-03 Disposition-POSSIBLE /POSSIBLE HPD-no-000000  
 Name: Last-ELLSIE Middle-COTHRAN  
 Address-RT#2 BOX# 283 HEMPSTEAD, TEXAS 77445  
 Race-W Sex-F Age-58-00 Hispanic-N Date of birth-03/30/41  
 Height-507 To- Weight-128 To-  
 Hair: Color-BLONDE Type- Length-MED  
 Complexion-LGT Facial hair-  
 Speech/Accent-LOCAL ENGLISH Eye color-HAZEL  
 Dress-WORK CLOTHES  
 isc-HM# 409-826-2822/MO# 713-828-4891/TDL# 04928362/SSN# 467-60-7245/JOB TITLE  
 FACILTIY IS OFFICE MANAGER/WIFE TO #2 SUSPECT/WORK AT LOCATION SINCE 040197

M.O. SUMMARY

Report entered by-M.S. WALSH Employee number-085864

Status: Open-X Cleared- Inactive- Unfounded-  
 Report reviewed by-

NARRATIVE

THIS IS AN ENVIRONMENTAL INVESTIGATION WHERE THE EVIDENCE WILL CLEARLY SHOW THE SUSPECTS IN VIOLATION OF NUMEROUS CITY, STATE & FEDERAL LAWS RELATING TO PUBLIC HEALTH & SAFETY, THE ENVIRONMENT & PROPERTY. THE SUSPECTS WERE DISPOSING OF THEIR TOXIC WASTE (CHROME SLUDGE/WASTE) BY DISCHARGING THE WASTE INTO A SMALL DRAINAGE DITCH ALONG THE NORTH PROPERTY LINE OF THE SUSPECTS FACILITY. THE DITCH DRAINS INTO A CITY OF HOUSTON (COH) STORM DRAIN THAT FLOWS DIRECTLY INTO THE HOUSTON SHIP CHANNEL LESS THAN AN QUARTER OF A MILE AWAY. THE HOUSTON SHIP CHANNEL FLOWS DIRECTLY INTO THE GALVESTON BAY, A WATER IN THE STATE. IT APPEARS THAT THE SUSPECTS WOULD DISCHARGE THE HAZARDOUS WASTE INTO THE DITCH JUST BEFORE A PREDICTED RAIN OR RAIN STORM. ADDITIONALLY, THE SUSPECTS WERE DISCHARGING LARGE AMOUNTS OF USED OIL ON THE GROUNDS OF THE FACILITY. THIS IS A VIOLATION OF THE USED OIL, COLLECTION, MANAGEMENT, RECYCLING ACT, ALSO A FELONY.

ON 020899 AT APPROX. 1020 HRS SERGEANT M.S. WALSH WHO IS ASSIGNED TO MAJOR DEFENDERS DIVISION IN THE ENVIRONMENTAL INVESTIGATIONS UNIT AND ENVIRONMENTAL QUALITY SPECIALIST (EQS) JOE BOSQUES WHO IS ASSIGNED TO THE DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES RESPONDED TO AN ANONYMOUS COMPLAINT CONCERNING AN ENVIRONMENTAL VIOLATION. THE COMPLAINT ALLEGED THAT THE LISTED SUSPECTS HAVE FOR SOME TIME (YEARS) BEEN DISCHARGING THEIR CHROME SLUDGE INTO A DITCH AT THE BACK OF THEIR FACILITY. THE COMPLAINT NAMED THE "TURBINE CHROME SERVICES, INC.", AS THE GENERATOR OF THE WASTE. TURBINE CHROME SERVICES IS LOCATED AT "7419 AVEUNE O" (HARRIS COUNTY KEY MAP# 495-S). THE FACILITY HAS MORE THAN A FEW BUILDINGS LOCATED ON THEIR PROPERTY. THE AREA IS IN BETWEEN AVEUNE O, A DEAD END STREET & THE SOUTH BOUNDARY LINE & A SMALL DRAINAGE DITCH TO THE NORTH WHICH RUNS ALONG THE NORTHERN BOUNDARY LINE & A SET OF RAILROAD TRACKS WHICH LEAD TO 5TH STREET. THE AREA CLOSEST TO THE FACILITY IS RESIDENTIAL WITH COMMERCIAL PROPERTY LOCATED FURTHER AWAY.

\*

UPON ARRIVAL WALSH & BOSQUES OBSERVED WASTE WHICH APPEARED TO BE CHROME SLUDGE OR A CHROME TYPE SUBSTANCE IN THE AFOREMENTIONED DRAINAGE DITCH. THERE APPEARED TO BE NO MORE THAN FIFTY GALLONS (50 GAL) OF THE WASTE IN THE DITCH. BOSQUES TOOK ONE ENVIRONMENTAL SAMPLE, A LIQUID GRAB FROM THE DITCH. THE SAMPLE WAS TURNED OVER ANN MILLER WHO IS THE DISPOSAL COORDINATOR FOR THE COH ENVIRONMENTAL CONTRACTOR:  
 AGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES  
 700 NORTH E  
 APORTE, TEXAS 77571  
 K# 281-991-1520 (MILLER= BPH# 123-123-1234/56789 332-1533)

\*

THE SAMPLE WAS THEN TAKEN TO:  
 & B ENVIRONMENTAL SERVICES, INC.,

643 FEDERAL ROAD  
HOUSTON, TEXAS 77015  
K# 713-453-6060

RESULTS OF ANALYSIS ARE AS FOLLOWS:

TOTAL CHROMIUM	7,440.0 PARTS PER MILLION (PPM)
HEXAVALENT CHROMIUM	6,710.0 PPM
TRIVALENT CHROMIUM	730 PPM
CLP CHROMIUM	6,520.0 PPM

CLP= TOXICITY CHARACTERISTIC LEACHATE PROCEDURE.

ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) WHEN USING THE TCLP OR CHROME THE WASTE RECEIVES A HAZARDOUS WASTE IDENTIFICATION WHEN THE RESULTS ARE 5.0 PPM OR GREATER. THE ANALYSIS SHOWED OUR SAMPLE TO HAVE ELEVEN HUNDRED (1100) TIMES OVER THE STANDARD FOR IDENTIFYING A WASTE AS HAZARDOUS, BASED ON THE TOXICITY CHARACTERISTIC. NO OTHER HEAVY METALS WERE FOUND IN THE ANALYSIS. (ARSENIC/BARIUM/CADMIUM/LEAD/MERCURY/SELENIUM/SILVER)

WALSH CONFIRMED THAT THE WEATHER FORECAST FOR THE FOLLOWING DATES, FEBRUARY 10TH & 11TH SHOWED A PREDICTION FOR HEAVY RAINS. THIS WOULD BE CONSISTENT WITH THE ALLEGATIONS OF THE ANONYMOUS COMPLAINTANT THAT THE SUSPECTS WOULD DISCHARGE CHROME WASTE INTO THE DITCH JUST PRIOR TO A RAIN OR HEAVY RAINFALL.

WALSH CONTACTED HARRIS COUNTY ASSISTANT DISTRICT ATTORNEY ERIC BILLY WHO IS ASSIGNED TO THE POLLUTION SECTION IN THE DISTRICT ATTORNEY'S OFFICE. WALSH INFORMED BILLY OF THE FINDINGS OF HIS INVESTIGATION & REQUESTED A SEARCH WARRANT FOR THE PROPERTY OF "TURBINE CHROME SERVICES, INC," LOCATED AT 7419 AVEUNE O. BILLY PREPARED THE SEARCH WARRANT AS WALSH PREPARED THE AFFIDAVIT FOR SEARCH WARRANT. BOTH WERE TAKEN TO HARRIS COUNTY DISTRICT COURT 208TH, WHERE DISTRICT COURT JUDGE DENISE COLLINS SIGNED THE WARRANT.

\*

ON FEBRUARY 10, 1999 AT APPROX. 0900 HRS THE ENVIRONMENTAL SEARCH WARRANT TEAM MET AT THE ENVIRONMENTAL INVESTIGATIONS UNIT'S OFFICE LOCATED AT 2931 WEST 12TH. LISTED BELOW ARE THOSE MEMBERS OF THE TEAM AND THEIR ASSIGNMENTS DURING THE EXECUTION OF THE SEARCH WARRANT.

SEARCH WARRANT SERVICE:	WALSH/DOSS
SECURITY SWEEP:	BROWN/DREHEL/MILLER/CASTILLO
SAFETY OFFICER:	ROOSEVELT (SEARCH WARRANT)
OFFICERS:	BUSTER/WISHNOW/EAGLE/COAST GUARD

PHOTOGRAPHY: FLECK

SITE SKETCH: SELLARS

SCENE SECURITY: CASTILLO

COMPUTER SEARCH: BROOK/DREHEL

EVIDENCE CUSTODIAN: WALSH/BROWN

EVIDENCE CUSTODIAN: BOSQUES (ENVIRONMENTAL SAMPLES)

OFFICE SEARCH TEAMS: BURRIS/PAGELA ABAT/GIBSON

FIELD INSPECTION: LINDLEY/LEGGIO

AIR QUALITY CONTROL: HAZMAT/GARCIA

OCCUPATIONAL HEALTH: CONN/BRENNAN/WATSON

TECHNICAL ASSISTANT: BURRIS/PAGELA

AMPLE WELL: SMITH

PT VIOLATIONS: LACHAPELLE

NEWS MEDIA: JOHNSON/BARTON

INTERVIEW TEAMS: MILLER/CASTILLO BURRIS/PAGELA ABAT/GIBSON  
(EMPLOYEES) OFFICE PERSONNEL (OWNER)

SAMPLING TEAMS: BOSQUES/NAJJI MONTGOMERY/EAGLE  
(ON-SITE) (DRAINAGE DITCH)

\*\*\*\*\*AGENCIES INVOLVED IN WARRANT\*\*\*\*\*

HOUSTON POLICE DEPARTMENT

SERGEANT M.S. WALSH  
 SERGEANT J. DREHEL  
 SERGEANT V. BROWN  
 OFFICER M. MILLER  
 OFFICER N. DREHEL  
 OFFICER CASTILLO

\*\*\*\*\*NEIGHBORHOOD PROTECTION ROAR\*\*\*\*\*

EBBIE SELLEKO (CL)
LYLVIA BROWLOW (CL)
ED RUTLAND (CSI)
ON MONTGOMERY (CSI)

\*\*\*\*\*DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES\*\*\*\*\*

ARTHOLOMEW NNAJI (EQS) (ENVIRONMENTAL QUALITY SPECIALIST)
HARLES ROOSEVELT (EQS)
OE BOSQUES (EQS)
ARITZA GARCIA (EQS)
EFF CONN (EQS)
HRIS BRAMAN (EQS)
ATHY BARTON (PIO)

\*\*\*\*\*EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES\*\*\*\*\*

WIGHT LAVAN ER MANAGER
NN MILLER DISPOSAL COORDINATOR

\*\*\*\*\*HOUSTON FIRE DEPARTMENT/HAZARDOUS MATERIALS INSPECTION\*\*\*\*\*

COTT LINDLEY
OE LEGGIO

\*\*\*\*\*PW&E INDUSTRIAL WASTE WATER PERMIT SECTION\*\*\*\*\*

LYDE SMITH ASSISTANT MANAGER
EVIN KOCK EQS II

\*\*\*\*\*TEXAS NATURAL RESOURCE CONSERVATION COMMISSION\*\*\*\*\*

ILL BURRIS (TECH ASSIST)
ELEN PAGOLA (TECH ASSIST)

\*\*\*\*\*ENVIRONMENTAL PROTECTION AGENCY\*\*\*\*\*

NDREA ABAT (EPA/CID)

\*\*\*\*\*UNITED STATES COAST GUARD\*\*\*\*\*

ILLIAM MCCARSON MST/1
YRAN MILLSAP MST/2

THE ABOVE LIST INCLUDES THOSE INVOLVED IN THE SEARCH WARRANT BRIEFING BUT IS NOT A COMPLETE LIST OF THOSE INVOLVED IN THE INVESTIGATION, ASSESSMENT, AND REMEDIATION.

AFTER THE BRIEFING THE SEARCH WARRANT TEAM WENT TO THE FACILITY AND BEGAN THE EXECUTION OF THE SEARCH WARRANT. WALSH, BROWN & EPA/CID ABAT ENTERED THE OFFICE AND INFORMED THE #3 SUSPECT (ELSIE PARRISH) OF THE WARRANT AND WALSH GAVE HER A SIGNED COPY. THE QUESTION WAS ASKED IF THERE WERE ANY WEAPONS IN THE OFFICE IN WHICH THE SUSPECT STATED YES I HAVE A GUN IN MY DESK. H.P.D. OFFICER CASTILLO INFORMED THE SUSPECT TO BACK AWAY FROM THE DESK BUT SHE INSISTED ON OPENING THE DRAWER AND ATTEMPTING TO REMOVE THE WEAPON. THE SUSPECT WAS ACTING IRRATIONAL & WAS VISIBLY UPSET. THE SUSPECT OPENED THE DRAWER TO THE DRESSER & REACHED FOR THE GUN DURING WHICH TIME SGT WALSH, AGENT ABAT & OFC CASTILLO WAS INFORMING HER VERY CLEARLY TO LEAVE THE WEAPON ALONE. THE WEAPON WAS RECOVERED FROM THE SUSPECT AFTER A SHORT STRUGGLE.

NO FURTHER INCIDENTS WITH THE SUSPECT OCCURRED, THE WEAPON WAS CHECKED FOR TOXIC & OR WANTED & RETURNED TO THE SUSPECT LATER IN THE DAY. THE #3 SUSPECT (ELSIE PARRISH) INFORMED WALSH THAT SHE WOULD BE LEAVING THE WORK. THE SUSPECT THEN CONTACTED THE #2 SUSPECT & ADVISED HIM OF THE SEARCH WARRANT. SHORTLY AFTER THE PHONE CALL THE #2 SUSPECT ARRIVED AT THE SITE & HE WAS INFORMED OF THE INVESTIGATION.

EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES IMMEDIATELY WENT TO THE DRAINAGE DITCH DIRECTLY BEHIND THE SUSPECTS FACILITY AND STOPPED THE FREE FLOWING WATER FROM CONTINUING DOWN STREAM INTO THE COH'S STORM DRAIN. EAGLE THEN BEGAN TAKING SAMPLES FROM THE DITCH. LISTED BELOW ARE THE FINDINGS OF THOSE SAMPLES:

\*\*\*\*\*

THE FIRST SET OF SAMPLES WERE TAKEN FROM THE DRAINAGE DITCH ADJACENT TO THE SUSPECTS PROPERTY. THESE ARE WATER & SOIL SAMPLES THAT WERE TESTED FOR HEAVY METALS & TCLP. IN THIS REPORT ONLY THE CHROMIUM WILL BE LISTED SINCE THAT IS THE ONLY METAL THAT IS TCLP HAZARDOUS & IS THE SUSPECTED WASTE IN THIS INVESTIGATION. ALL OF THE FOLLOWING SAMPLES WERE TAKEN ON FEBRUARY THE 10TH, 1999.

SOIL SAMPLES

TAKEN APPROX. 506.9 FT DOWNSTREAM FROM POINT OF DISCHARGE

WATER SAMPLE #1 (1145 HRS)	TOTAL CR=	213 PPM	TCLP CR=	249.0 PPM
SOIL SAMPLE #1 (1302 HRS)	TOTAL CR=	5205 PPM	TCLP CR=	19.2 PPM

\*\*\*\*\*

TAKEN APPROX. 341.9 FT DOWNSTREAM FROM THE POINT OF DISCHARGE

ATER SAMPLE #2 (1153 HRS) TOTAL CR= 104 PPM TCLP CR= 120.0 PPM  
OIL SAMPLE #2 (1313 HRS) TOTAL CR= 2875 PPM TCLP CR= 4.81 PPM

\*\*\*\*\*

TAKEN APPROX. 40.4 FT DOWNSTREAM FROM THE POINT OF DISCHARGE

ATER SAMPLE #3 (1202 HRS) TOTAL CR= 4576 PPM TCLP CR= 4576.0 PPM  
OIL SAMPLE #3 (1318 HRS) TOTAL CR= 2075 PPM TCLP CR= 10.2 PPM

\*\*\*\*\*

TAKEN FROM THE AREA THAT IS BELIEVED TO BE THE POINT OF DISCHARGE

OIL SAMPLE #4 (1325 HRS) TOTAL CR= 72150 PPM TCLP CR= 1446 PPM

\*\*\*\*\*

TAKEN APPROX. 133.6 FT UPSREAM FROM THE POINT OF DISCHARGE

ATER SAMPLE #5 (1135 HRS) TOTAL CR= 0.18 PPM TCLP CR= NOT TCLP  
OIL SAMPLE #5 (1325 HRS) TOTAL CR= 51.5 PPM TCLP CR= 0.18 PPM

THE NEXT SET OF ENVIRONMENTAL SAMPLES WERE TAKEN AT THE THREE DIFFERENT  
UTFALLS THAT DISCHARGE INTO THE HOUSTON SHIP CHANNEL. IT IS BELIEVED THAT THE  
FOREMENTIONED DRAINAGE OITCH FLOWS INTO ONE IF NOT ALL THREE OF THE UTFALLS.  
T SHOULD ALSO BE NOTED THAT THE ONLY HEAVY METAL THAT REGISTERED ABOVE THE  
ETECTABLE LIMIT WAS CHROMIUM, AND THAT ON ALL THREE UTFALLS. THESE SAMPLES  
ERE ALSO RETRIEVED ON FEBRUARY 10TH, 1999 BY EAGLE ENVIRONMENTAL.

WATER SAMPLE/CHROMIUM=CR\*\*\*\*\*

AMPLE #1 (1236 HRS) TOTAL CR= 0.10 PPM  
AMPLE #2 (1250 HRS) TOTAL CR= 0.10 PPM  
AMPLE #3 (1305 HRS) TOTAL CR= 0.10 PPM

\*\*\*\*\*

AS EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES WERE RETRIEVING THE  
NVIRONMENTAL SAMPLES FROM THE DRAINAGE DITCH, THE CITY OF HOUSTON HEALTH &  
UMAN SERVICES WERE TAKING SAMPLES FROM WITHIN THE PROPERTY OF TURBINE CHROME  
ERVICES INC. LISTED BELOW IS THE DATA ON THE SAMPLES TAKEN BY THE HEALTH  
EPARTMENT, WHICH TOTAL ELEVEN (11) EXCLUDING THE BACKGROUND WHICH IS NUMBER  
WELVE (12). AS IN THE OTHER SAMPLES, THESE WERE ALL TAKEN ON FEBRUARY 10TH,  
999.

\*\*\*\*\*

ENVIRONMENTAL SAMPLES TAKEN FROM THE PROPERTY LOCATED AT 7419 AVEUNE 0

SAMPLE #01

TAKEN FROM A PILE OF DIRT THAT WAS OPEN TO THE ELEMENTS OF NATURE  
 SOUTHWEST OF THE DRIVEWAY  
 COMPOSITE SOIL SAMPLE  
 TIME 1300 HRS

OTAL PB=	859.7	PPM	PB= LEAD
CLP PB=	0.39	PPM	
OTAL CR=	1367.1	PPM	CR= CHROMIUM
CLP CR=	3.1	PPM	

\*\*\*\*\*

SAMPLE #02

TAKEN FROM THE DITCH OUTSIDE OF GATE NEXT TO DRIVEWAY  
 COMPOSITE SOIL SAMPLE  
 TIME 1330 HRS (TPH= TOTAL PETROLUEM HYDROCARBONS)

OTAL PB=	248.1	PPM
CLP PB=	0.2	PPM
OTAL CR=	8081.5	PPM
CLP CR=	2.1	PPM
PH =	883.0	PPM

\*\*\*\*\*

SAMPLE #03

TAKEN FROM A PILE OF GRID OPEN TO THE ELEMENTS OF NATURE  
 SOUTHWEST CORNER OF DRIVEWAY  
 SOIL SAMPLE  
 TIME 1335 HRS

OTAL CU=	3669.0	PPM	CU COPPER
OTAL NI=	30170.0	PPM	NI= NICKEL
OTAL CR=	4444.0	PPM	
CLP CR=	0.54	PPM	
PH =	189000.0	PPM	

\*\*\*\*\*

SAMPLE #04

TAKEN FROM UNDER H L & P POLE WEST OF BUILDING  
 COMPOSITE SOIL SAMPLE  
 TIME 1350HRS

OTAL CU=	1924.0	PPM
OTAL CR=	4748.0	PPM
CLP CR=	20.4	PPM

PH = 54200.0 PPM

\*\*\*\*\*

SAMPLE #05

TAKEN FROM OPEN VAT (200 GALLONS) WEST OF BUILDING  
COMPOSITE LIQUID SAMPLE

OTAL CR= 246.0 PPM  
CLP CR= 187.0 PPM  
H (FIELD TEST) 2.0

\*\*\*\*\*

SAMPLE #06

TAKEN FROM TWO (2) FIFTY-FIVE (55) GALLON DRUMS INSIDE BLDG NEAR SW CORNER  
COMPOSITE SOLID SAMPLE/WASTE STORAGE AREA  
TIME 1450 HRS

OTAL NI= 150.8 PPM  
OTAL PB= 283.1 PPM  
OTAL CU= 3087.0 PPM  
OTAL CR= 4762.1 PPM  
CLP CR= 103.0 PPM  
PH 19800.0 PPM

\*\*\*\*\*

SAMPLE #07

TAKEN FROM OPEN VAT INSIDE BLDG NEAR THE SW CORNER OF STORAGE AREA  
COMPOSITE LIQUID SAMPLE  
LIGHT BRDWNISH LIQUID  
TIME 1520 HRS

OTAL PB= 29.0 PPM  
CLP PB= 23.0 PPM (HAZARDOUS/TOXIC FOR LEAD)  
OTAL CR= 15.4 PPM  
CLP CR= 11.2 PPM  
PH 59.0 PPM

\*\*\*\*\*

SAMPLE #08

TAKEN FROM OUTSIDE NEAR THE BLDG FACING THE AFOREMENTIONED DRAINAGE DITCH  
OPEN TO THE ELEMENTS OF NATURE  
COMPOSITE SOIL SAMPLE

TIME 1600 HRS

OTAL CU=	15153.0	PPM (COPPER)
OTAL PB=	731.0	PPM
CLP PB=	0.28	PPM
OTAL CR=	6123.0	PPM
CLP CR=	0.5	PPM
PH =	193300.0	PPM (VIOLATION OF USED OIL ACT)*

\*\*\*\*\*

SAMPLE #09

TAKEN FROM INSIDE CHEMICAL STORAGE ROOM/NORTHEAST CORNER  
 TWO COMPOSITE WASTE SAMPLES FROM TWO SEPERATE DRUMS  
 ORK BROWN SOILD WASTE MATERIAL  
 TIME 1620 HRS

OTAL PB=	3755.0	PPM
CLP PB=	20.0	PPM
OTAL CR=	108682.0	PPM
CLP CR=	3681.0	PPM

\*\*\*\*\*

SAMPLE #10

TAKEN FROM INSIDE CHEMICAL STORAGE ROOM/NORTHEAST CORNER  
 TWO COMPOSITE WASTE SAMPLES FROM TWO SEPERATE DRUMS  
 YELLOW/BROWNISH SOILD WASTE MATERIAL  
 TIME 1700 HRS

OTAL PB=	3889.0	PPM
CLP PB=	0.2	PPM
OTAL CR=	17555.0	PPM
CLP CR=	291.0	PPM
PH =	6510.0	PPM

\*\*\*\*\*

SAMPLE #11

TAKEN FROM SDIL JUST SOUTH OF BLDG NEAR AVE 0  
 COMPOSITE SDIL  
 TIME 1518 HRS

PH= 7230 PPM

\*\*\*\*\*

SAMPLE #12

"B A C K G R O U N D"

TAKEN FROM VACANT LOT IN THE 7300 BLK OF AVEUNE O

TIME 1730 HRS

TOTAL CR= 27.5 PPM  
 TOTAL CU= 29.8 PPM  
 TOTAL NI= 9.7 PPM  
 TOTAL PB= 47.0 PPM  
 PH = 488.0 PPM

\*\*\*\*\*

UPON EXAMINATION OF THE DRAINAGE DITCH BOTH SERGEANT WALSH & EQS BOSQUES NOTICED A MUCH LARGER DISCHARGE OF CHROMIUM WASTE THEN ON FEBRUARY 8TH, 1999. BOTH WALSH & BOSQUES ESTIMATED THE AMOUNT OF WASTE IN THE DITCH TO BE APPROX. FIFTY TO SEVENTY-FIVE GALLONS (50 TO 75 GAL) ON THE 8TH, BUT ON THE DAY THE WARRANT WAS EXECUTED, THE 10TH THEIR APPEARED TO BE AT LEAST TWO TO THREE HUNDRED PLUS GALLONS (200 TO 300 GALLONS +).

ONE OF THE REASONS THE WARRANT WAS EXECUTED ON THE 10TH, WAS THE WEATHER FORECAST SHOWED HEAVY RAIN FOR THE HOUSTON AREA. IT WOULD APPEAR THAT THE SUSPECTS DISCHARGE A LARGE AMOUNT OF THIER CHROME WASTE INTO THE DITCH IN ANTICIPATION THAT THE RAIN WOULD CARRY THE WASTE OUT OF THE DITCH AND INTO THE HOUSTON SHIP CHANNEL. THE WEATHER REPORT WAS AS FOLLOWS:

FEB 11, 1999.... A BAND OF NUMEROUS SHOWERS WITH A FEW THUNDERSTORMS WILL MOVE INTO THE AREA. THESE SHDOWERS WILL BE MOVING RAPIDLY BRINGING WIDESPREAD RAINFALL AROUND 1/10 OF AN INCH WITH ISOLATED AMOUNTS OF 1/2 INCH.

DURING THE EXECUTION OF THE SEARCH WARRANT BOTH MR. & MRS PARRISH WERE INTERVIEWED. LISTED BELOW ARE SOME OF THE STATEMENTS MADE BY THE SUSPECTS.

ON FEBRUARY 10, 1999, DETECTIVE AND SENIOR INVESTIGATOR & SENIOR INSPECTOR ED UTLAND INTERVIEWED MR. PARRISH. MR. PARRUSH WAS GIVEN A NON-CUSTOOIAL ADVISEMENT AND AGREED TO ANSWER QUESTIONS.

\*\*\*\*\*

MR. PARRISH ADVISED THAT TURBINE HAD BEEN PROVIDING PLATING SERVICES AT THIS LOCATION SINCE APPROX. 1990. PRIDR TO THIS TURBINE OPERATED AT ANOTHER HOUSTON LOCATION FOR APPROX. FOUR (4) YEARS. PRIOR TO 1985 MR. PARRICH WAS NOT INVOLVED IN THE ELECTROPLATING INDUSTRY.

MR. PARRISH STATED THAT TURBINE DOES NOT HAVE A PERMIT TO STORE HAZARDOUS WASTE AT THIER FACILITY. HE STATED THAT TURBINE HAS USED A COMPANY CALLED ALPHA MEGA IN LONGVIEW, TEXAS FOR DISPSDAL OF THE WASTE GENERATED IN THE PLATING PERATIONS. HE ADVISED THAT HIS WASTE WAS SHIPPED FOR RECYCLING ON HAZARDOUS

ASTE MANIFEST. HE ADVISED THAT IT WAS TYPICAL FOR TURBINE TO STORE HAZARDOUS WASTE AT THE FACILITY IN EXCESS OF THE 120 DAYS THEY HAVE TO DISPOSE OF IT. HE SAID THAT HE HAD WASTE STORED FOR AT LEAST 180 DAYS AND LONGER AND TURBINE DID NOT DISPOSE OF THESE BECAUSE THEY DID NOT HAVE THE MONEY TO DO SO APPROPRIATELY.

MR. PARRISH ADVISED THAT AN EPA ENVIRONMENTAL SCIENTIST NAMED GERARDO ACOSTA HAD BEEN ON SITE WITHIN 1998. MR. ACOSTA HAD TOLD MR. PARRISH THAT HE WAS STORING HAZARDOUS WASTE WITHOUT A PERMIT. MR. PARRISH STATED THAT THIS WAS THE ONLY INSPECTION HE REMEMBERED AT THIS FACILITY.

MR. PARRISH SAID THAT A SPILL COULD HAPPEN WITHOUT HIS KNOWLEDGE BUT ADDED THAT THE REASON FOR THE PITS UNDER THE VATS WOULD BE TO CATCH ANY SPILLS. HE SAID THAT HE DID NOT KNOW OF ANYONE DUMPING BEHIND THE FACILITY INTO THE RAINAGE DITCH, AND DID NOT SPECULATE AS TO WHY SOMEONE WOULD DO THIS.

MR. PARRISH PROVIDED ABAT & RUTLAND WITH A TOUR OF THE FACILITY TO INCLUDE THE PLATING BATH AREA OF THE WAREHOUSE. WHEN ASKED ABOUT THE SPILL IN THE DITCH WHICH IS DIRECTLY ADJACENT TO THESE BATHS MR. PARRISH DESCRIBED THE FOLLOWING. WHEN HEAVY RAINS FALL AT THE FACILITY, THE WAREHOUSE FLOODS WHICH COMMONLY LEADS TO THE PITS BENEATH THE PLATING BATHS OVERFLOWING. AT HIS DIRECTION EMPLOYEES WILL PUMP THE RAINWATER MIXED WITH PLATING SOLUTION OUT OF THE WAREHOUSE AND INTO THE DITCH BEHIND THE FACILITY. WHEN ASKED IF HE REALIZED THAT THIS COULD CAUSE THE CHROMIUM AND SULFURIC ACID TO GO TO THE DITCH MR. PARRISH RESPONDED AFFIRMATIVELY, AND STATED THAT TURBINE NEVER REPORTED THIS ACTIVITY TO REGULATORS. MR. PARRISH ACKNOWLEDGED THAT 55 GALLON DRUMS AND 10 GALLON DRUMS LOCATED THROUGHOUT THE PROPERTY CONTAIN SLUDGES GENERATED BY THE PLATING OPERATIONS.

MR. PARRISH SAID THAT BASED ON THE AMOUNT OF FREE LIQUID IN THE DITCH, HE BELIEVES SOMEONE PURPOSEFULLY DUMPED THE PLATING SOLUTION. TO HIS KNOWLEDGE MR. PARRISH SAID THAT TURBINE DID NOT HAVE A MAJOR LOSS FROM THE PLATING BATHS RECENTLY WHICH WOULD ACCOUNT FOR THE WASTE IN THE DITCH.

END OF INTERVIEW

ON FEBRUARY 10TH, 1999 MRS PARRISH WAS INTERVIEWED BY JILL BURRIS & HELEN AGOLA. LISTED BELOW ARE SOME OF THE STATEMENTS MADE BY MRS. PARRISH.

MRS PARRISH STATED THAT SHE HAS WORKED AT THE FACILITY SINCE 040197. THE FACILITY IS A JOB SHOP, MACHINE SHOP WITH GRINDING, CHROMING AND MACHINING. SHE STATED THAT THE EPA WAS AT THE FACILITY IN 1997, AT THE TIME THE COMPANY HAD GOTTEN OUT OF CHAPTER 11 BUCKRUPTCY. TURBINE DID NOT HAVE THE MONEY TO SEND THE WASTE TO THE LOCAL PLANT OF ALPHA OMEGA IN LONGVIEW, TX., FOR RECYCLING. THEY USUALLY DEALT WITH JERRY FROIDL AT ALPHA OMEGA. MR. FROIDL IS THE ENVIRONMENTAL MANAGER. ALPHA OMEGA RECYCLES THE CHROME. NO CYANIDE IS USED IN THE PLATING PROCESS. WHEN THE EPA INSPECTED THE FACILITY THERE WERE DRUMS OF PENT CHROME PLATING SOLUTION AND ABSORBENT MATERIAL USED IN CHROME BATHS. (MRS

ARRISH PRODUCE A MANIFEST WHICH INDICATED TWENTY-SIX (26) DRUMS AND FOUR (4) IBER CONTAINER BAGS FOR DRY MATERIAL ON THE LOAD THAT WENT TO ALPHA OMEGA) SHE LAIMED THAT ALPHA-OMEGA PREPARES THE MANAFEST.

MRS. PARRISH STATED THAT SHE DID NOT KNOW HOW LONG THE DRUMS HAD BEEN AT THE ACILITY. SHE EXPLAINED THAT THE CHROME PLATING PROCESS IS DONE BY DIPPING THE ART TO BE PLATED IN THE TANK, ELECTRICITY IS APPLIED TO THE TANK, THE CHROME ADHERES TO THE PART. THE PART BECOMES LARGER IN THE PLATING PROCESS, SO IT IS ROUND DOWN TO THE CUSTOMERS REQUIRED OIAMETER SPECIFICATIONS. TURBINE USED ONLY LPHA-OMEGA FOR ALL OF THEIR DISPOSAL. MRS. PARRISH STATED THAT HER JOB IS ILING, PAYROLL, ACCOUNTS PAYABLE, AND THE MAJORITY OF ORDERING.

MRS. PARRISH PRODUCED ANOTHER MANIFEST WHICH WAS DATED 04-24-93 AND SHOWED TO AVE SHIPPED SIXTEEN (16) DRUMS TO ALPHA-OMEGA. EIGHT HUNDRED & EIGHTY GALLONS NO THE WASTE IN THE DITCH. MRS. PARRISH CLAIMED THAT SHE DID NOT KNOW ABOUT THE WASTE IN THE DITCH. ONCE A WEEK SHE ADVISED THAT THE PLATING BATHS ARE ESTED FOR: CHROMIC ACID SOLUTION PERCENTAGE, SULFURIC ACID SOLUTION, IRON ONTENT, COPPER CONTENT, AND TRIVALENT CHROME. THE GROUP DECIDES WHAT IS MISSING ROM THE SOLUTION THEN ADD WHATEVER IS MISSING. (FROM A WEEKLY LOG THAT WAS RODUCED, CHROME PRODUCT WAS ADDED WEEKLY).

THERE ARE THREE CHROME PLATING TANKS:

- ) 355 GALLONS
- ) 829 GALLONS
- ) 1600 GALLONS

A BARREL (DRUM) OF ACID IS STORED BY THE THREE CHROME TANKS. THE ACID IS USED O CLEAN THE PART THAT HAD BEEN PLATED. RAGS OR BRUSHES ARE HAND DIPPED INTO THE CID FOR USE. THE CHROME SOLUTION IS MADE UP FROM CHROMIC ACID FLAKES FROM TOTECH USA, INC. THE LAST PURCHASE WAS JUNE 1998. ACCORDING TO DOCUMENTS ROVIDED BY MRS. PARRISH, THE FOLLOWING PURCHASES WERE MADE:

YDROCHLORIC ACID ON 08-27-97  
YDROCHLORIC ACID ON 03-00-98  
HROMIC ACID FLAKES 10-00-98  
YDROCHLORIC ACID ON 11-00-98

END OF THE INTERVIEW

DURING THE SEARCH OF THE FACILITY NUMEROUS WASTE AREAS WHICH INCLUDED ICTURES OF THE PLATING VATS, DRUMS, SPILLS, DISCHARGES, INSIDE THE OFFICE AND HE DRAINAGE DITCH. ALSO DISCOVERED DURING THE SEARCH OF THE OFFICES' WERE UMERDUS DOCUMENTS RELATED TO THE ELECTROPLATING PROCESS, CHROME LAB REPORTS, OH PW&E INDUSTRIAL WASTEWATER PERMIT, HAZARDOUS WASTE MANIFESTS, EPA REPORT ON NSPECTIONS, ANNUAL WASTE SUMMARYS FROM ALPHA-OMEGA RECYCLING, OTHER COH PERMITS IGH INCLUDE PERMIT FOR HAZARDOUS WASTE APPLICATION, USEPA LAWSUIT ON A IOLATION OF THE CLEAN AIR ACT, AND A 1999 TEXAS ENVIRONMENTAL EXCELLENCE AWARDS

APPLICATION (TNRCC). OTHER DOCUMENTS RETRIEVED FROM THE FACILITY INCLUDED A RNCC INDUSTRIAL & HAZARDOUS WASTE ANNUAL WASTE SUMMARY INSTRUCTION BOOKLET, EMPLOYEE PHONE LIST, PAPERWORK CONCERNING THE FILING OF CHAPTER 11 BACKRUPTCY, BALANCE SHEET FOR COUNTS PAYABLE, EPA LAWSUIT ON RCRA VIOLATION, INVOICE FROM LPHA OMEGA RECYCLING INC., EPA 40 CFR BOOKLET ON THE NATIONAL EMISSION STANDARD FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING; FINAL RULE DATED 01/95, INVOICES FROM ATOTECH FOR CHROMIC DIOXIDE FLAKES, QUARTERLY PAYROLL SUMMARY BY EMPLOYEES, W-2 & W-3 STATEMENTS, AND AN INSURANCE CLAIM ON WHEN AN EMPLOYEE FELL INTO A "C H R O M E" PIT.

ADDITIONALLY, A GUIDE FOR HAZARDOUS WASTE REGULATIONS FOR SMALL QUANTITY GENERATORS, NOTES ON IDENTIFYING WASTE STREAMS, A BOOKLET ON GUIDES TO POLLUTION PREVENTION "THE METAL FINISHING INDUSTRY", A LETTER TO:

R. SAMUEL J. COLEMAN, DIRECTOR  
 COMPLIANCE ASSURANCE & ENFORCEMENT DIVISION  
 445 ROSS AVEUNE, SUITE 1200  
 DALLAS, TEXAS 75202-2733

EXPLAINING HOW DUE TO A CHAPTER 11 BACKRUPTCY # 97-42676-H-3-11 BEING FILED ON ACCOUNT OF TURBINE CHROME SERVICES CAUSED THE COMPANY TO BE UNABLE TO TAKE CARE OF A LOT OF THINGS THAT REQUIRED MONEY, SHIPPING OF CHROME PLATING SOLUTION" BEING ONE OF THOSE THINGS, AND HAZARDOUS WASTE PLACARDS FOR LIQUID HAZARDOUS WASTE & ABSORBENT, SAND, SOIL W/CHROME ACID.

DURING THE EXECUTION OF THE SEARCH WARRANT DIFFERENT CITY AGENCIES CONDUCTED INSPECTIONS FOR THEIR SPECIFIC ENTITY. LISTED BELOW ARE THE AGENCIES AND THEIR REPORTS HAVE BEEN FORWARDED TO THE DISTRICT ATTORNEYS OFFICE.

- ) COH/FIRE MARSHAL 32 VIOLATIONS
- ) COH/NPT 4 VIOLATIONS
- ) COH/OCCUPATION HEALTH 10 VIOLATIONS
- ) COH/BAQC NUMEROUS VIOLATIONS

PRIOR TO THE EXECUTION OF THE SEARCH WARRANT WALSH CHECKED WITH THE TNRCC & RETRIEVED COPIES OF THE INSPECTIONS THAT HAD BEEN CONDUCTED ON THE FACILITY. THESE REPORTS WERE PUT INTO THE FILE FOR THE DISTRICT ATTORNEYS OFFICE TO REVIEW FOR COURT PURPOSES. THE DATES OF THE INSPECTIONS WERE:

- ) 01-26-93
- ) 12-09-91

AFTER THE NECESSARY EVIDENCE WAS GATHERED FROM THE DRAINAGE DITCH WALSH INFORMED THE SUSPECT (MR. PARRISH) THAT BASED ON ALL THE EVIDENCE ATTAINED DURING THE INVESTIGATION INDICATED THAT THE WASTE IN THE DITCH WAS GENERATED FROM THE SUSPECTS' BUSINESS. THE SUSPECT AGREED AND WAS ADVISED TO BEGIN IMMEDIATE CONTAINMENT, ASSESSMENT & REMEDIATION.

THE SUSPECT HIRED THE CITY OF HOUSTON'S ENVIRONMENTAL CONSULTANT "EAGLE  
CONSTRUCTION AND ENVIRONMENTAL SERVICES" TO BEGIN IMMEDIATE CONTAINMENT,  
ASSESSMENT AND REMEDIATION. THE SUSPECT SIGNED A WRITTEN AGREEMENT/CONTRACT  
MAKING HIM RESPONSIBLE FOR THE FINANCIAL COSTS ASSOCIATED WITH THE CLEAN UP.  
SINCE THE INVESTIGATION SGT WALSH HAS LEARNED THAT THE SUSPECT IS MAKING MONTHLY  
PAYMENTS ON THE COST OF CLEAN UP WHICH EXCEEDED ONE HUNDRED THOUSAND DOLLARS  
(\$100000.00).

\_\_ MINOR OFFENSE (JUVENILE ONLY) \_\_ DEATH OF DEFENDANT
X OTHER INVESTIGATION COMPLETE/WAITING ON CLEAN UP/DA TAKE TO GRAND JURY
UNFOUNDED \_\_ INACTIVE \_\_ CLEARED BY INVESTIGATION (INVESTIGATION CASES ONLY)
\_\_ CASE OPEN AND ACTIVE INVESTIGATION CONTINUING

SUPPLEMENT(S)

40-0001

Offense- ENVIRONMENTAL INVESTIGATION

Street location information

Number- 7419 Name-AVE O Type- Suffix-
Apt no- Name-DEAD END type- Suffix-
Date of offense-02/08/99 Date of supplement-09/28/01
Compl(s) Last-THE STATE OF TX First-XAS Middle-
Last-

Recovered stolen vehicles information

stored- by- Ph#- (000) 000-0000
Officer1-M.S. WALSH Emp#-085864 Shift-1 Div/Station-MOD/EIU

SUPPLEMENT NARRATIVE

THIS IS AN ENVIRONMENTAL INVESTIGATION WHERE THE EVIDENCE WILL CLEARLY SHOW THE SUSPECTS IN VIOLATION OF THE SOLID WASTE DISPOSAL ACT FOR INTENTIONALLY & KNOWINGLY DISCHARGING TOXIC WASTE AT AN UNPERMITTED SITE, NAMELY A DRAINAGE DITCH, WHICH IS FOUND JUST NORTH OF THE FACILITY. THE DITCH FLOWS TOWARD THE EAST & AT 75TH STREET GOES INTO AN UNDERGROUND STORM WATER DRAIN, WHICH THEN FLOWS OUT INTO THE HOUSTON SHIP CHANNEL. THE EVIDENCE SHOWS THAT THE SUSPECT HAS BEEN DISCHARGING HIS TOXIC WASTE IN THIS MANNER FOR THE LAST TWENTY PLUS YEARS (20+).

ON FEBRUARY 10, 2001 A SEARCH WARRANT WAS EXECUTED ON THE FACILITY & ADDITIONAL EVIDENCE WAS RECOVERED. THE SUSPECT (PARRISH) HIRED THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR, EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, TO CONDUCT THE CLEAN UP OF THE ILLEGALLY DISPOSED OF HAZARDOUS/TOXIC WASTE THAT WAS DISCOVERED IN THE AFOREMENTIONED DRAINAGE DITCH. WALSH LEARNED WEEKS LATER THAT PARRISH REFUSED TO PAY FOR OR CLAIMED THAT HE COULDN'T PAY FOR THE CLEAN UP OF THE SITE. BASED ON THE SUSPECTS INABILITY TO PAY, THE WASTE THAT WAS GENERATED BY THE CLEAN UP PROCESS WAS TEMPORARILY STORED ON THE SUSPECT'S PROPERTY. THE SOLID WASTE WAS STORED IN ROLLOFF CONTAINERS & THE LIQUID WASTE WAS STORED IN A FIVE THOUSAND GALLON (5000) POLY DRUM/CONTAINER.

ON OCTOBER 27, 2001 AT APPROX. 1915 HRS HOUSTON POLICE OFFICER STEVE DICKER RESPONDED TO A COMPLAINT THAT ALLEGED THE SUSPECT WAS INVOLVED IN ANOTHER DISCHARGE OF HAZARDOUS WASTE AT THE SAME SITE, 7419 AVENUE O. UPON ARRIVAL DICKER LEARNED THAT THE SUSPECT HAD HIRED:

SPECIALIZED WASTE SYSTEMS INC.

1273 SHEFFIELD  
 HOUSTON, TEXAS 77015  
 (3) 455-7799  
 VER #2 CUMPL/GREGORY NEAL

JACK CASTELLO  
 (713) 771-4663  
 (417) 825-0562  
 RENTER OF ROLLOFF

TO REMOVE A ROLL OFF CONTAINER, THE CONTAINER CONTAINED NUMEROUS CONTAINERS OF PAINT PRODUCTS. THE SUSPECT WAS HAVING THE ROLLOFF REMOVED AT THE REQUEST OF THE HOUSTON FIRE DEPARTMENT, HAZARDOUS MATERIAL INSPECTIONS, INSPECTOR BRAIN MAGNUM. ACCORDING TO THE SUSPECT THE PAINT PRODUCT WAS OWNED BY A FRIEND NAMED JACK CASTELLO. JACK CASTELLO HAD ANOTHER MAN NAMED PETE CHAPMAN PICK UP MOST OF THE PAINT PRODUCTS ON SEPTEMBER 9, 1999 BUT THE FIFTY-FIVE (55) GALLON DRUMS WOULD NOT BE REACHED BY CHAPMAN AND WERE LEFT IN THE CONTAINER.

THE SUSPECT CLAIMED THAT CASTELLO HAD ASKED HIM TO STORE THE CONTAINER ON HIS PROPERTY TIL HE (CASTELLO) COULD FIND ANOTHER LOCATION TO STORE IT. AFTER BEING ASKED BY HFD TO HAVE THE ROLLOFF CONTAINER REMOVED DUE TO THE POTENTIAL FIRE HAZARD, CASTELLO SENT CHAPMAN TO RETRIEVE THE PAINT PRODUCTS & THE SUSPECT WAS GOING TO HAVE SWS RETRIEVE THE CONTAINER & RETURN IT BACK TO IT'S OWNER:

MOBILE MINI, INC.  
 7020 OLD KATY ROAD  
 HOUSTON, TEXAS 77024  
 (713) 861-0488  
 (800) 514-6464  
 C/O DEBBIE WELLS

DICKER LEARNED THAT SWS SENT TRUCK DRIVER GREGORY NEAL TO THE SUSPECTS FACILITY TO REMOVE THE AFOREMENTIONED CONTAINER. IN THE PROCESS OF REMOVING THE CONTAINER FROM THE SUSPECTS (PARRISH) PROPERTY, THE CONTAINER BRUSHED UP AGAINST THE FIVE THOUSAND (5000) GALLON POLY CONTAINER, WHICH CONTAINED THE LIQUID TOXIC HAZARDOUS WASTE GENERATED FROM THE CLEAN UP THAT OCCURRED IN FEBRUARY, 99 AND BROKE OFF THE VALVE LOCATED ON THE BOTTOM OF THE POLY TANK. A SUBSTANTIAL AMOUNT OF THE LIQUID WASTE DISCHARGED OUT OF THE CONTAINER ONTO THE SUSPECTS PROPERTY, THE DRAINAGE DITCH TO THE NORTH OF THE SUSPECTS PROPERTY, AND BOTH THE SUSPECT & GREGORY NEAL WERE SATURATED IN THE TOXIC WASTE ATTEMPTING TO PLUG THE HOLE.

OFC DICKER GATHERED THE PRELIMINARY INFORANTION CONCERNING THE DISCHARGE & NOTIFIED WALSH SINCE IT WAS HIS INVESTIGATION THAT HAD INITIATED THE TOXIC WASTE STREAM. WALSH PICKED UP THE INVESTIGATION ON OCTOBER 26, 99 AT APPROX. 0900 HRS. WALSH LEARNED THAT THE HOUSTON FIRE DEPARTMENT, HAZARDOUS MATERIALS RESponce TEAM/HAZMAT TEAN RESPONDED TO THE DISCHARGE ON 10-27-99 AT APPROX. 2030 HRS. ACCORDING TO HFD CAPTIAN TOMMY ERICKSON (#51281/UNIT# H1022/SHIFT D/CASE #7738-9 1-5), AFTER RESPONDING TO THE CALL THEY LEARNED THAT THE OWNER (PARRISH) HAD BEEN INJURED BY THE SPILL BY SWALLOWING SOME OF THE CHROMIUM/SULFURIS ACID/AND WATER. HAZMAT HAD THE SUSPECT ENVELOPED IN A TYVEK/SARANEX GARMENT & GLOVES AND HAD HIM TRANSPORTED TO THE BEN TAUB HOSPITAL. THE SUSPECT WAS TRANSPORTED BY HFD 3-41. ERICKSON SATED THAT BASED ON THE USE OF THEIR THERMAL IMAGING CAMERA APPROX. ONE THOUSAND GALLONS (1000) OF CHROMIUM WAS DISCHARGED FROM THE POLY TANK.

WALSH ARRIVED AT THE SITE AND TOOK SEVERAL PHOTOS OF THE SCENE. WALSH ALSO RETRIEVED PHOTOS FROM OFC DICKER THAT HAD BEEN TAKEN THE NIGHT OF THE INCIDENT.

WALSH LEARNED THAT THE CITY OF HOUSTON, ASST DIRECTOR FOR PUBLIC WORKS & ENGINEERING (PW&E), NEIGHBORHOOD PROTECTION TEAM (NPT), BEA LINK AUTHORIZED THE CITY ENVIRONMENTAL CONTRACTOR "EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES" TO CONDUCT THE NECESSARY CLEAN UP OF THE CONTAMINATED SITE.

PRIOR TO THE CLEAN UP OF THE CONTAMINATED DITCH, WHICH IS JUST NORTH OF THE FACILITY & JUST NORTH OF WHERE THE AFOREMENTIONED POLY TANK WAS BEING STORED, WALSH HAD EAGLE RECOVERED THREE (3) ENVIRONMENTAL SAMPLES FROM THE DRAINAGE DITCH. THE SAMPLES WERE RECOVERED BY EAGLE EMPLOYEE DWIGHT LAVAN & SUBMITTED TO:

A&B ENVIRONMENTAL SERVICES INC.,  
 1643 FEDERAL ROAD  
 HOUSTON, TEXAS 77015  
 (713) 453-6060

LISTED BELOW ARE THE LOCATIONS FROM WHERE THE SAMPLES WERE RECOVERED & THE ANALYTICAL DATA FROM A&B LAB:

1) SAMPLE WAS RECOVERED APPROX. TWENTY-FOUR FT (24') UPSTREAM FROM THE COH STORM WATER DRAIN AT 75TH STREET/ONE HUNDRED SEVENTY-SIX FT (176') DOWNSTREAM FROM TANK.

PH	6.99		DATE OF SAMPLE:	102899
CHROMIUM	48.4	PPM (TOXIC)	TIME OF SAMPLE:	1036 HRS
%TCLP%			TYPE OF SAMPLE:	SOIL/GRAB
			SAMPLED BY	: LAVAN
			SAMPLE ID #	: 835236-PS1

SAMPLE WAS RECOVERED APPROX. TWO HUNDRED TWENTY-THREE FT (223') UPSTREAM FROM THE COH STORM DRAIN @ 75TH STREET, TWENTY THREE FT (23') UPSTREAM FROM TANK

PH	7.20		DATE OF SAMPLE:	102899
CHROMIUM	82.0	PPM (TOXIC)	TIME OF SAMPLE:	1054 HRS
%TCLP%			TYPE OF SAMPLE:	SOIL/GRAB
			SAMPLED BY	: LAVAN
			SAMPLE ID #	: 835236-DS1

3) SAMPLE WAS RECOVERED APPROX. TWO HUNDRED FORTY FT (240') UPSTREAM FROM COH STORM WATER DRAIN @ 75TH STREET & APPROX. FORTY FT (40') UPSTREAM FROM TANK

PH	8.70		DATE OF SAMPLE:	102899
CHROMIUM		NON-DETECT FOR TCLP	TIME OF SAMPLE:	1056 HRS
%TCLP%			TYPE OF SAMPLE:	SOIL/GRAB
			SAMPLED BY	: LAVAN
			SAMPLE ID #	: 835236-BU1

ON 10-28-99 AT APPROX. 1000 HRS WALSH MET WITH THE SUSPECTS WIFE, ELSIE PARRISH. MRS. PARRISH SIGNED A VOLUNTARY CONSENT FOR SEARCH & SEIZURE FORM ALLOWING WALSH & PERSONNEL FROM EAGLE TO ENTER THE PROPERTY IN QUESTION & GATHER EVIDENCE AND REMEDIATE THE CONTAMINATED SOIL CAUSED BY THE DISCHARGE OF TOXIC WASTE FROM THE POLY TANK.

WALSH TOOK MEASUREMENTS SHOWING WHERE THE MOBILE-MINI ROLLOFF STORAGE CONTAINER WAS BEING STORED IN RELATIONSHIP TO WHERE THE FIVE THOUSAND GALLON (5000) POLY TANK WAS BEING STORED. THE POLY TANK WAS LOCATED APPROX. THIRTEEN FT (13') SOUTH OF THE FENCE THAT SEPERATED THE SUSPECT'S FACILITY & THE DRAINAGE DITCH, WHICH IS JUST NORTH OF SAID PROPERTY. THE EVIDENCE SHOWED THAT ROLLOFF CONTAINER WAS DRAGGED APPROX. EIGHTY-SEVEN FT (87') PRIOR TO BRUSHING UP AGAINST THE VALVE. THE VALVE WAS LOCATED AT THE BOTTOM OF THE TANK & APPARENTLY BROKE OFF WHEN HIT BY THE PASSING CONTAINER. THE ROLLOFF WAS THEN DRAGGED ANOTHER ONE HUNDRED FT (100') OFF THE FACILITY'S PROPERTY & PLACED ON THE COH EASEMENT ON 75TH STREET. THE TRAILER MEASURED FORTY FT (40') LONG & EIGHT FT (8') WIDE. THE SPLASH FROM THE TANK LEFT A STAIN ON THE ROLLOFF THAT MEASURED APPROX. FIFTEEN FT (15') LONG & THREE FT SIX INCHES HIGH (3' X 6"). A SUBSTANTIAL AMOUNT OF CONTAMINATED SOIL WAS FOUND STUCK UP UNDERNEATH THE ROLLOFF. WALSH ADVISED THE OWNERS OF THE ROLLOFF THAT THE CONTAINER WOULD HAVE TO BE DECONTAMINATED PRIOR TO REMOVAL.

ACCORDING TO EAGLE THEY PUMPED OUT APPROX. EIGHT HUNDRED (800) GALLONS OF THE LIQUID WASTESTREAM FROM THE AFOREMENTIONED DRAINAGE DITCH. IT IS BELIEVED THAT THE TANK CONTAINED APPROX. FOUR THOUSAND GALLONS PRIOR TO THE DISCHARGE ON OCTOBER 27, 99. THE TANK LOST APPROX. ONE THOUSAND (1000) GALLONS ON OCTOBER 27, AND APPROX. EIGHT HUNDRED (800) GALLONS WERE RECOVERED. THE REMAINING TWO HUNDRED (200) GALLONS IS BELIEVED TO HAVE BEEN SATURATED BY THE SOIL IN & AROUND THE TANK/DRAINAGE DITCH.

WALSH SPOKE WITH THE SUSPECTS WIFE (ELSIE PARRISH) AND LEARNED THAT SHE IS THE REPORTER OF THE DISCHARGE. ACCORDING TO MRS. PARRISH SHE FOUND HER HUSBAND ON THE GROUND NEAR THE TANK VOMITING & CALLED MFD. AT THIS TIME GREGORY NEAL HAD LEFT THE PROPERTY. WALSH WAS INFORMED BY MRS. PARRISH THAT HER HUSBAND WAS ADMITTED IN BEN TAUB HOSPITAL, INTENSIVE CARE UNIT (ICU), 6A ROOM 5, FOR FORTY-EIGHT (48) HOUR OBSERVATION.

ON OCTOBER 28, 2001 AT APPROX. 1745 HRS WALSH WENT TO BEN TAUB & INTERVIEWED THE SUSPECT. WALSH ADVISED PARRISH THAT HE WAS NOT UNDER ARREST, IN CUSTODY OR BEING DETAINED, IN WHICH HE STATED "OK". WALSH INQUIRED AS TO HOW THE DISCHARGE OCCURRED & PARRISH STATED HE WAS ADVISED BY MFD BRIAN MANGUM TO REMOVE THE ROLLOFF CONTAINER THAT WAS ON HIS PROPERTY, THAT WAS BEING USED TO STORE PAINT RELATED PRODUCTS. THIS WAS TO BE COMPLETED BY OCTOBER 28TH, 1999.

PARRISH STATED THAT A JACK CASTELLO IS THE SON OF THE PAINTER THAT HE HIRED TO PAINT HIS FACILITY (BUILDINGS). CASTELLO LEFT THE CONTAINER ON HIS PROPERTY FOR TEMPORARY STORAGE. CASTELLO IS THE PERSON WHO RENTED THE CONTAINER FROM MOBILE MINI. PARRISH STATED THAT HE WAS ADVISED BY BRIAN MANGUM FROM THE MFD, HAZARDOUS MATERIALS INSPECTION TEAM TO HAVE THE CONTAINER REMOVED FROM THE PROPERTY FOR SAFETY REASONS.

ACCORDING TO PARRISH HE HIRED SWS SERVICES CO., TO REMOVE THE CONTAINER FROM HIS PROPERTY, TO THE COH EASEMENT, THEN MOBILE-MINI WAS GOING TO RETRIEVE THE CONTAINER FROM THE EASEMENT. PARRISH EXPLAINED THAT IT WAS JUST HIM & THE DRIVER FOR SWS WHOM HE IDENTIFIED AS NEAL. PARRISH STATED THAT AFTER THE VALVE BROKE OFF FROM THE TANK HE USED A FORTY-EIGHT INCH (48") PIPE WRENCH TO FORCE A TAMPERED SLEEVE WITH A RAG ATTACHED AT THE END, INTO THE HOLE. PARRISH INDICATED

THAT THEIR FIRST ATTEMPT DID NOT WORK AND HE HAD TO GO AND RETRIEVE THE WRENCH FROM THE SHOP AND WITH THE USE OF THE WRENCH THEY WERE ABLE TO STOP THE LEAK. PARRISH BLAMED THE WAY THE VALVE WAS FITTED FOR THE TANK FOR THE DISCHARGE. PARRISH STATED THAT ONLY ONE OR TWO (1 OR 2) THREADS WERE ACTUALLY SCREWED INTO THE FITTING AND WHEN THE CONTAINER BUMPED IT, IT PLOPPED OFF AND THE LIQUID JUST GUSHED OUT. PARRISH CLAIMED THAT HE FIRST ATTEMPTED TO SCREW THE VALVE BACK ON BUT THAT THE THREAD WAS STRIPPED. PARRISH DID ADMIT THAT HE KNEW CHROMIUM WAS IN THE TANK ALONG WITH SOME SULFURIC ACID.

WALSH LEARNED THAT THE WITNESS (GREGORY WAYNE NEAL) WAS NOT ADVISED BY THE SUSPECT OR ANYONE ELSE THAT HE (WITNESS) HAD COME INTO CONTACT WITH HAZARDOUS WASTE/TOXIC WASTE. WALSH CONTACTED THE WITNESS IMMEDIATELY (10-28-01) VIA PS AND ADVISED HIM OF THE SITUATION. WALSH INFORMED NEAL TO GET TO A HOSPITAL ASAP AND ADVISED THE TREATING PHYSICIAN THAT HE HAD COME INTO CONTACT W/TOXIC LEVELS OF CHROMIUM.

ON NOVEMBER 17, 1999 AT APPROX. 1400 HRS WALSH INTERVIEWED NEAL, ADVISING HIM THAT HE WAS NOT UNDER ARREST, IN CUSTODY OR BEING DETAINED, HE STATED "OK". WALSH CONFIRMED THAT NEAL HAD BEEN TREATED BY A PHYSICIAN AND INQUIRED AS TO HOW HE (NEAL) WAS INVOLVED IN THE INCIDENT. NEAL STATED THAT AFTER BEING ADVISED BY WALSH THAT HE CHECKED HIMSELF INTO BEN TAUB FOR OBSERVATION ON OCTOBER 28, 2001 @ 2100 HRS & WAS RELEASED ON OCTOBER 29, 2001 @ 1100 HRS. NEAL STATED THEY PERFORMED BLOOD WORK & TOOK X-RAYS OF HIS CHEST. NEAL ADDED THAT FOR THE LAST WEEK PLUS HE HAS FELT FATIGUE & TIRED.

NEAL STATED THAT WHEN HE ARRIVED AT TURBINE CHROME HE CONFIRMED THAT MR. PARRISH HAD SPOKEN WITH DEB WELLS @ SWS REGARDING THE RELOCATION OF THE BOXES. NEAL NOTICED THAT THE TANK WHICH WAS NEAR THE AREA WHERE THE BOXES WERE BEING STORED DID NOT HAVE ANY ID MARKINGS. PARRISH HAD NEAL MOVE THREE (3) BOXES IN ORDER TO REACH THE MOBILE-MINI BOX WHICH CONTAINED THE PAINT RELATED PRODUCTS. AFTER HOOKING UP TO THE MOBILE-MINI BOX HE DROVE OUT TOWARDS TO BACK GATE/EXIT NEAR 75TH STREET. AS HE DROVE PASSED THE LARGE POLY/FIBERGLASS TANK MR. PARRISH WAS STANDING RIGHT NEXT TO THE TANK/VALVE WAVING/PULLING HIM TO CONTINUE MOVING FORWARD.

NEAL STATED HE NEXT NOTICED THE UNKNOWN (UNKNOWN TO HIM) LIQUID DISCHARGE COMING OUT OF THE TANK FROM THE HOLE WHERE THE VALVE HAD PREVIOUSLY BEEN. NEAL EMPHASIZED THAT PARRISH WAS STANDING "RIGHT THERE". NEAL STATED THAT PARRISH ATTEMPTED TO THREAD THE VALVE BACK ON. NEAL ASKED PARRISH AT LEAST TWO OR THREE TIMES (2 OR 3) "WHAT IS THE FLUID", AND PARRISH'S RESPONSE WAS "IT'S A DELUTED SOLUTION". NEAL ADDED THAT THE FLUID DID NOT HAVE A BAD SMELL. AFTER PARRISH REALIZED THAT THE VALVE WOULDN'T THREAD BACK INTO THE TANK, NEAL STATED HE HELD THE VALVE INTO THE TANK WHILE PARRISH WENT & GOT THE WRENCH. NEAL DESCRIBED HOW THE WASTE/LIQUID CONTINUED TO FLOW OUT OF THE TANK, AND WHEN PARRISH RETURNED WITH THE WRENCH AND THAT DIDN'T WORK, PARRISH LEFT AGAIN TO RETRIEVE ANOTHER DEVICE.

WHEN PARRISH RETURNED HE INSTRUCTED NEAL TO MOVE THE CONTAINER (MOBILE-MINI) WHICH HE DID. NEAL RETURNED & HELD THE VALVE UNTIL PARRISH GOT THE DISCHARGE TO STOP. NEAL STATED PARRISH WENT INSIDE HIS FACILITY & CHANGED HIS CLOTHES. NEAL WENT IN & WASHED HIS HANDS & ARMS. PARRISH INFORMED NEAL HE DID NOT WANT HIM TO

LEAVE WILL BE FINISHED THE JOB. NEAL STATED HE MOVED SOME BOXES AROUND UNTIL IT WAS DARK. NEAL STATED THAT WHEN HE FINISHED HE TOLD MRS. PARRISH THAT HE WOULD TRY TO CHANGE CLOTHES BUT WAS TOLD THEY DIDN'T HAVE ANY. NEAL STATED THAT HE FINISHED THE JOB, MRS. PARRISH SIGNED THE PAPERWORK AND HE LEFT.

NEAL CLAIMED THAT HE WAS ALL BUT SATURATED WITH THE LIQUID. NEAL STATED THAT SOME OF THE LIQUID SPLASHED ONTO/INTO HIS FACE, AND BOTH ARMS/HANDS/LEGS/THIGHS/TID-SECTION CAME INTO CONTACT WITH THE UNKNOWN LIQUID. IT WAS OBVIOUS TO ANYONE THAT HE (NEAL) HAD BEEN IN CONTACT WITH THE LIQUID. \*\* PRIOR TO LEAVING NEAL STATED MR PARRISH ADVISED HIM TO "GO HOME & WASH WITH SOAP & HOT WATER". \*\* THE INTERVIEW TOOK PLACE AT NEAL'S WORK PLACE ON SHEFFIELD & ENDED AT 1500 HRS.

WALSH RETRIEVED A COPY OF THE WORK ORDER FROM SWS SERVICES CO CONCERNING THE INCIDENT/JOB WITH GREGORY NEAL & TURBINE CHROME. WORK ORDER # 70005 SHOWED NEAL ARRIVING AT THE FACILITY AT 1630 HRS & LEAVING AT 1945 HRS, FOR A TOTAL OF (3) THREE HOURS & (15) FIFTEEN MINUTES. MRS. PARRISH'S SIGNATURE IS FOUND ON THE FORM UNDER COMPANY SIGNATURE WITH THE DATE OF 10-27-99. THE WORK PERFORMED IS DESCRIBED AS "RELOCATED BOXES ON SITE".

ON NOVEMBER 22, 99 @ APPROX. 1200 HRS WALSH MET WITH REGGIE GRIMES, PROJECT MANAGER FOR EAGLE & DAVID BUSTER AND FRED WILSON W/THE EUM SAFETY & RIGHT OF WAY MAINTENANCE. THE DECISION WAS MADE TO FINISH THE REMEDIATION OF THE DRAINAGE DITCH BEHIND THE SUSPECT FACILITY WITH SOME EAGLE EMPLOYEES AND SHOVELS. ONLY SPOT CONTAMINATION REMAINED. IT WAS ESTIMATED THAT TWO (2) FIFTY-FIVE (55) GALLON DRUMS WOULD BE NEEDED TO FINISH THE JOB. EAGLE WAS GOING TO HAVE THE REMEDIATION FINISHED BEFORE THE END OF THE DAY & TAKE SOME CONFIRMATION SAMPLES.

AT APPROX. 1330 HRS (11-22-99) WALSH, WILSON, BUSTER & GRIMES OBSERVED MR PARRISH OPERATING A FORKLIFT IN THE BACK OF HIS FACILITY. PARRISH WAS OBSERVED LOADING FIFTY-FIVE (55) GALLON DRUMS, OF WHAT WAS BELIEVED TO BE CONTAMINATED SOIL/TOXIC WASTE/CHROMIUM SATURATED SOIL, INTO SOME OF THE ROLLOFF BOXES PROVIDED BY EAGLE THAT WERE STILL BEING USED TO STORE THE WASTE THAT HE BEEN GENERATED DURING REMEDIATION, FROM THE DRAINAGE DITCH ON FEBRUARY 2, 1999. DUE TO THE FAILURE OF PARRISH TO PAY FOR THE CLEAN UP & DISPOSAL OF THE WASTE THAT HAD BEEN GENERATED DURING THE CLEANUP IN FEBRUARY, THE BOXES IN QUESTION WERE NOT TO BE ADDED TO BY PARRISH WITH OTHER WASTE.

GRIMES TOOK SEVERAL PHOTOS OF THE INCIDENT & TURNED THE PHOTOS OVER TO WALSH FOR FUTURE COURT PURPOSES. THE PHOTOS CLEARLY SHOW PARRISH DUMPING THE DRUMS & CONTAMINATED SOIL INTO THE ROLLOFF BOX. THE PHOTOS ALSO SHOW PARRISH INSTRUCTING TWO (2) EMPLOYEES TO HELP WITH THE PROJECT. \*\* IT SHOULD BE NOTED THAT THE TWO (2) EMPLOYEES WHO WERE OBSERVED GETTING INTO THE ROLLOFF CONTAINER WERE "N O T" WEARING ANY PERSONAL PROTECTIVE EQUIPMENT (PPE) BUT WERE HANDLING TOXIC WASTE, (E: NO GLOVES/NO RESPIRATOR/SHORT SLEEVES. THE WASTE IN THE ROLLOFF CLEARLY CONTAINED TOXIC WASTE AND WAS SO MARKED.

WALSH INTERVIEWED ONE OF THE TWO (2) WORKERS, MICHAEL SMITH. WALSH LEARNED THAT SMITH HAD WORKED AT THE LOCATION FOR THE LAST THREE (3) YEARS.

ON DECEMBER 14, 1999 REGGIE GRIMES WITH EAGLE FAXED WALSH A LETTER HE WROTE CONCERNING A CONVERSATION WITH MR PARRISH. ACCORDING TO GRIMES ON OR ABOUT DECEMBER 14, 1999 HE WAS CONTACTED BY MR PARRISH VIA TELEPHONE & PARRISH STATED SERGEANT MICHAEL WALSH SHOULD BE CAREFUL IN SHOWING UP AT PLACES OF BUSINESS BECAUSE ONE DAY SOMEONE MAY AMBUSH HIM LIKE WHAT HAPPENED TO THE POLICE OFFICERS A FEW DAYS AGO NEAR SAN ANTONIO, TEXAS".

ON MARCH 20, 2000 WALSH OBSERVED A TRUCK REMOVING SOME OF THE RULLOFF CONTAINERS FROM THE SUSPECT FACILITY. WALSH STOPPED ONE OF THE TRUCKS & INQUIRED AS TO WHERE THE WASTE WAS BEING DISPOSED. THE DRIVER, WALTER W. MELIUN WORKING FOR:

SEALINE SERVICE CO., INC.  
 3717 CHEMICAL ROAD  
 PASADENA, TEXAS 77507  
 (817) 474-7772  
 WORK ORDER # 65441  
 TRIP # 917137

STATED THAT THE WASTE WAS BEING TRANSPORTED TO:

ENVIRONMENTAL RECYCLING  
 13042 MARKET ST  
 HOUSTON, TEXAS 77060  
 (713) 330-6337

WALSH WAS GIVEN THE PINK COPY OF THE WORK ORDER, WHICH WAS PLACED IN THE FILE FOR FUTURE REFERENCE.

WALSH ALSO RECEIVED A COPY OF THE INVOICE FOR THE MOBILE-MINI CONTAINER. THE DOCUMENT CLEARLY SHOWS:

JACK COSTELLO W/M DOB 082772  
 5306 HILLCROFT # 511  
 HOUSTON, TEXAS 77081  
 DR# (713) 771-9663  
 TU# (219) 712-5159

THE CONTRACT SHOWS THE DATE OF RENTAL AS 03-06-98 TO EXPIRE ON 06-26-98.

THIS SUPPLEMENT CLEARLY SHOWS THAT THE SUSPECT (MR. PARRISH) ALLOWED THE DISCHARGE OF HAZARDOUS/TOXIC WASTE AT AN UNPERMITTED SITE, NAMELY A CON/HCFCD/RR DRAINAGE DITCH, WHICH FLOWS DIRECTLY INTO THE HOUSTON SHIP CHANNEL. THERE IS NO EVIDENCE THAT PARRISH CONTACTED THE PROPER AUTHORITIES CONCERNING THE DISCHARGE. IT APPEARS THAT WHEN PARRISH TOOK ILL DUE TO SWALLOWING THE CHROMIUM/TOXIC WASTE AND HIS WIFE CONTACTED HFD, THATS WHEN THE CALL WAS MADE CONCERNING THE ILLEGAL DISCHARGE. THE FACT THAT PARRISH SENT GREGORY NEAL HOME TO "TAKE A BATH W/SOAP & HOT WATER", SAYING NOTHING ABOUT OR IMPLYING THAT, HIS CLOTHES NEEDED TO BE CLASSIFIED AS HAZARDOUS WASTE & DISPOSED OF PROPERLY, INDICATES THAT PARRISH WAS NOT GOING TO REPORT THE DISCHARGE. SAY NOTHING OF THE FACT THAT PARRISH REFUSED TO TELL/INFORM NEAL THAT THE LIQUID IN THE TANK WAS CLASSIFIED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AS HAZARDOUS WASTE BY CHARACTERISTIC, NAMELY TOXICITY (TOXIC WASTE). NEAL WAS ONLY TOLD THAT IT WAS DILUTED SOLUTION, THIS AFTER INQUIRING TWO OR THREE TIMES (2 OR 3). THIS EVIDENCE CLEARLY SHOWS

PARRISH PLACING THE HEALTH & WELFARE OF MR NEAL IN ENDANGERMENT. PARRISH WAS DE-CONTAMINATED AT THE SCENE BY HFD, CLOTHED IN PROTECTIVE CLOTHING FOR TRANSPORTATION, AND ADMITTED IN "ICU" FOR FORTY-EIGHT HOURS (48) FOR OBSERVATION @ BEN TAUB HOSPITAL, A TRAUMA HOSPITAL, IT WOULD REASON THAT PARRISH WAS NOT CONCERNED ABOUT MR. NEAL'S HEALTH SINCE NO CONTACT WAS MADE TO MR. NEAL OR HIS COMPANY THAT EMPLOYED HIM, S.W.S. SERVICES INC., TO INFORM HIM OF THE POTENTIAL DANGER THAT HE HAD BEEN PLACED IN BY COMING IN CONTACT WITH THE SAME WASTE THAT SENT PARRISH TO INTENSIVE CARE UNIT FOR FORTY-EIGHT HOURS (48 HRS).

WLAH PRESENTED THE EVIDENCE TO HARRIS COUNTY ASSISTANT DISTRICT ATTORNEY RUDER HASEMAN, CHIEF PROSECUTOR OF THE ENVIRONMENTAL CRIMES UNIT AT THE D.A.'S OFFICE, WHO STATED HE WOULD TAKE THE INFORMATION GATHERED UNDER ADVISEMENT FOR ADDITIONAL CRIMINAL CHARGES.

\*\*\*THIS CASE WILL BE CLOSED WITH CHARGES RECOMMENDED TO THE DISTRICT ATTORNEY\*\*\*

\*\*\*\*\*

- \_\_ CASE DISPOSITION (MARK ONLY ONE CATEGORY) ANY SUSPECTS MUST BE LISTED ON PAGE 9
- \_\_ ARRESTED AND CHARGED IN THIS CASE (INCLUDES JUVENILES ARRESTED AND REFERRED)
- \_\_ ARRESTED AND CHARGED IN OTHER CASES (BUT NOT THIS CASE)
- \_\_ EXCEPTIONAL CLEARANCES --- MUST HAVE THE FOLLOWING CONDITIONS IN NARRATIVE:
  - IDENTITY OF OFFENDER IS ESTABLISHED, AND ENOUGH INFORMATION EXISTS TO SUPPORT AN ARREST, CHARGE, AND PROSECUTION, AND EXACT LOCATION OF THE OFFENDER IS KNOWN, AND THERE IS SOME REASON BEYOND LAW ENFORCEMENT CONTROL THAT PROHIBITS THE ARREST AND/OR CHARGING OF THE OFFENDER (MARK ONLY ONE).
  - \_\_ LACK OF PROSECUTION BY BY D. A. FOR NON-EVIDENTIARY REASON
  - \_\_ LACK OF PROSECUTION BY COMPLAINANT
  - \_\_ ORAL CONFESSION WITH MINIMAL EVIDENCE
  - \_\_ MINOR OFFENSE (JUVENILE ONLY)
  - \_\_ DEATH OF DEFENDANT
  - X OTHER FORWARDED TO THE D.A.'S OFFICE FOR CHARGES TO BE FILED/PER DA HASEMAN
  - \_\_ UNFOUNDED
  - \_\_ INACTIVE
  - \_\_ CLEARED BY INVESTIGATION (INVESTIGATION CASES ONLY)
  - \_\_ CASE OPEN AND ACTIVE INVESTIGATION CONTINUING

Supplement entered by = 85864



# Complaint Report

City of Houston  
Public Health Engineering

7411 Park Place Blvd  
Houston TX 77087

<b>Complaint</b>		<i>Date Received</i> 2/25/99	
<i>Street Name</i>	O, Avenue	<i>Complainant</i>	Anonymous
<i>Address</i>	7419 O, Avenue	<i>Home Address</i>	
<i>Zip</i>	77011	<i>Home City</i>	
<i>Section</i>	Solid/Hazardous Waste	<i>Home State</i>	<i>Home Zip</i>
<i>Supervisor</i>	Roosevelt, C.	<i>Phone (W)</i>	<i>Ext.</i>
<i>Inspector</i>	Bosques, J.	<i>Home Phone</i>	
<i>Referred By</i>		<i>Residential Pool</i>	No
<i>Council District</i>	I	<i>Council Correspondence</i>	No
		<i>Surface Water Discharge</i>	Yes

<b>Business Info</b>			
<i>Business Name</i>	Turbine Chrome Services	<i>Business Phone 1</i>	[1] 713-921-2277 Ext.
<i>Contact Name</i>	Al Parrish	<i>Business Phone 2</i>	
<i>Contact Title</i>	Owner	<i>2nd Contact</i>	
<i>Bus. Address</i>	7419 Avenue O	<i>2nd Title</i>	
<i>Bus. City</i>	Houston	<i>Acct #</i>	<i>Acct #(2)</i>
<i>Bus. State</i>	TX	<i>Acct #(3)</i>	<i>Acct #(4)</i>
<i>Bus. Zip</i>			

<b>Status</b>	
<i>Initial Inspection</i>	2/5/99
<i>Complaint Status</i>	Case Referred to Legal
<i>Notice of Violation</i>	
<i>Citation Issued</i>	
<i>Reinspection Date</i>	
<i>Referred To</i>	
<i>Date Closed</i>	3/19/01

<b>Notes/History</b>		<i>Date Range:</i> All Dates
<i>Note</i>	1/19/ 1 7:21 AM	Case is being handled by the legal department and is set for trial in April of 2001. Legal is currently developing case and taking depositions.
<i>Note</i>	3/15/ 0 11:00...	Site Visit_- A rolloff was sitting on the ground and there were metal turnings next to it. It had rained yesterday. There was a puddle next to it. I collected a sample from the puddle next to it. #11068. The liquid was yellowish looking. Charles Roosevelt present. Also Mike Walsh and David Buster present. RDG. Personnel from the company were around.
<i>Note</i>	2/8/ 0 6:06 AM	Site Visit - No observed activity outside of buildings. No discharge observed, however, ditch between Turbine Chrome and UPRR tracks was holding water, most likely from recent rain. CLR
<i>Note</i>	1/21/ 0 1:00 PM	Site Verification: No changes have been made. Roll offs are still present. JB
<i>Note</i>	12/21/99 8:30 AM	Site Evaluation: Met w/S. Aston - City Attorney, David Buster - Env. Response Coordinator, Bruce Tough - Attorney - Turbine Chrome Services (TCS), Al



## Complaint Report

**City of Houston**  
**Public Health Engineering**

7411 Park Place Blvd

Houston TX 77087

Parrish - President - TCS, Arthur Malone - Env. Consultant - TCS. Identified areas that require conformation samples, roll-offs that require immediate attention, stabilize area w/tarp and boom sw corner of property. Additionally, new waste generated requires immediate attention due to open top barrel w/ bubbling substance. Drums are located near floor drain without secondary containment. There are a number of drums that require RCRA rules implementation and labeling. Opening along wall north of bldg. has been covered with concrete. JB

- Note 12/20/99 11:00... Court Date: Turbine Chrome Services has agreed to comply with Agreed Order and take the necessary steps to achieve compliance.
- Note 12/17/99 1:55 PM Meeting: Met with City Assistant Attorney, Sonja Aston, to discuss status of removal of waste material on-site at Turbine Chrome Services.
- Note 12/16/99 2:00 PM Site Verification: No changes have been made since last inspection. Pictures taken.
- Note 12/13/99 8:45 AM Site Verification: Met with Mr. Al Parrish on-site at 7419 Ave. O. Mr. Parrish has informed EQS Joe Bosques that Eagle Environmental Services and Turbine Services have agreed to dispose of roll-offs pending on a twenty-thousand (\$20,000) dollar payment. According to Mr. Parrish, he has agreed to wire the amount aforementioned to Eagle Environmental Services based on a written document that would state that they will remove the waste material as agreed verbally. Mr. Parrish has admitted that an estimated twenty (20) barrels of contaminated waste material have been placed inside the roll-offs from a shed located northeast of property. This action has jeopardized the integrity and characterization of the waste material profiled for disposal. Mr. Parrish has stated that Eagle Environmental Services is reluctant to dispose of material until an additional profile has been made. JB
- Note 12/10/99 8:00 AM Court Date: TRO- Turbine Chrome Services was ordered to remove roll-offs of waste material on-site by December 14, 1999, and resume court trial on December 20, 1999, at 11:00 a.m. Additionally, the court has ordered Turbine Chrome Services to remove pile of waste material located southwest of property adjacent to driveway at west gate. The removal of contaminated soil north of main bldg. along wall was ordered to be properly disposed. JB
- Note 12/7/99 8:30 AM Enforcement Committee Meeting: Attorney privilege. JB
- Note 11/29/99 7:00 AM On November 27, 28, 29, 1999, Eagle Environmental Services removed the 20,000 pound white tank trailer situated on the City Right of Way. Total cost



# Complaint Report

## City of Houston Public Health Engineering

7411 Park Place Blvd  
Houston TX 77087

for removal and disposal was 28,000 dollars. JB

- Note** 11/2/99 8:30 AM Enforcement Committee Meeting: Discussed the incident on October 27 & 28, 1999, and the potential of additional spills from an existing tank trailer w/Cr waste liquid that holds approximately 20,000 pounds. The trailer is on COH-ROW and is exposed to the public. JB
- Note** 10/29/99 10:00... Removal of 8000 gal. tank and contaminated soil has been completed. Press Conference on incident and illegal dumping around the area was performed by Sgt. Walsh and Bea Link. Joe Bosques spoke about the incident and health effects to the spanish news media. JB
- Note** 10/28/99 10:00... On October 27, 1999, a spill from a holding tank that hold approximately 8000 gals. of 20% Cr & 1% Sulfuric Acid waste occurred on site during the removal of a trailer that contained paint-related materials. The owner of Turbine Chrome Services, Mr. Al Parrish, and a worker from the company removing the trailer, were exposed to the discharge from the holding tank while trying to secure the valve. The actual cause of the valve from becoming unscrewed is still under investigation. Mr. Parrish was overcome by the discharge and was taken to Ben Taub Hospital for emergency treatment. The other worker apparently was not affected as much but had some of the liquid waste fall on his clothes. He was called by Sgt. Walsh and was to seek medical attention by personal physician. Eagle Env. Services has performed the clean-up of the affected area and of the storm ditch. Mr. Parrish appears to be in stable condition and shall be released from hospital by tomorrow. JB
- Note** 10/5/99 3:19 PM Met w/ owner on-site. Requested information on roll-offs still on property. Mr. Parrish has informed me that he does not have the financial resources to dispose of waste material. There are a total of eighteen (18) roll-offs. Nine (9) contain hazardous waste and the other remaining roll-offs contain non-hazardous waste. I will request information through Eagle Environmental Services, Inc. to assist on remediation. JB
- Note** 3/25/99 10:44... Met with Mr. Parrish. Reviewed and evaluated sample results. Some remediation in progress. Additional sample collected. JB
- Note** 3/24/99 10:43... Site visit, owner not available.
- Note** 3/10/99 11:43... Stagnant rainwater onsite. Additional foot of soil appears to have been removed. Point source has been included.
- Note** 2/25/99 2:56 PM Met with Eagle at site. Additional liquid picked up. An additional foot fo soil to



# Complaint Report

**City of Houston**  
**Public Health Engineering**

7411 Park Place Blvd  
Houston TX 77087

be removed. Point source included in cleanup.

- Note 2/11/99 2:56 PM Sample documentation and samples submitted to lab.
- Note 2/10/99 2:55 PM Execution of search warrant. 12 samples collected.
- Note 2/9/99 2:54 PM Preparation for search warrant.
- Note 2/8/99 2:44 PM Collected grab liquid sample of storm ditch. Liquid appeared to have a concentrated yellowish color.
- Note 2/5/99 2:43 PM Met with Sgt. Walsh behind property along railroad tracks. Surveillance was performed to scope area. Storm ditch had a dark yellowish color.

THE STATE OF TEXAS

COUNTY OF HARRIS

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER OF HARRIS COUNTY TEXAS

GREETINGS:

WHEREAS, Complaint in writing, under oath, has been made before me by MICHAEL WALSH, a peace officer employed by THE CITY OF HOUSTON, MAJOR OFFENDERS DIVISION, ENVIRONMENTAL INVESTIGATIONS UNIT, which complaint is attached hereto and expressly made a part hereof for all purposes and said complaint having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

YOU ARE THEREFORE COMMANDED to forthwith search the place therein named, to wit: 7419 Avenue O, Harris County, Texas, with the authority to search for and to seize any and all RECORDS AND DOCUMENTS, IN WHATEVER FORM THEY MAY APPEAR (WHETHER THE EVIDENCE BE IN WRITTEN FORM OR ON COMPUTER MEMORY OR ELECTRONIC DISC/DISK) AND ANY OTHER TANGIBLE OBJECTS, INCLUDING SAMPLES, that may be found therein including, but not limited to:

Any and all computer records, documents, memoranda, notes, correspondences, photographs, contracts, job proposals, bids, reports, letters, recordings, files, lists of jobs, forms, laboratory analytical reports, material safety data sheets, trip tickets, shipping and/or transporter manifests, shipping and/or transporter papers, bills of lading, invoices, receipts, receipt books, and documents related to the maintenance and/or filing of records with the Texas Natural Resource Conservation Commisison (TNRCC), the City of Houston, or any other government agency concerning the business of Turbine, including any records concerning the amount of product purchased and/or received each month for the company to operate its business.

Any and all computer records, records, documents, memoranda, notes, correspondence, photographs, reports, training reports, government forms, TNRCC, Texas Water Commssion (TWC, a predecessor agency to the TNRCC), City of Houston, Harris County Pollution Control, and Environmental Protection Agency forms, certificates of training, certificates of training and certificates of registration relating to environmental statutes and regulatory compliance, logs, books, journals, files, records, notes, recordings, and any other documents related to information

concerning the knowledge of Turbine's employees and personnel regarding the laws governing its business and, specifically, the handling and procedures for proper transportation, storage and disposal of industrial and/or hazardous waste generated by the business process.

Any and all computer records, books, notes, lists, and other documents and records indicating the names, addresses, and telephone numbers of all Turbine employees, to include documents which contain job descriptions or other information defining the nature and scope of each employee's responsibility while working for Turbine and records which show time and attendance of said employees, including time cards, payroll documents, or other such records, reflecting employment history.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, sales orders, and any other records and documents indicating the names and addresses of Turbine's customers and Turbine's sales to those customers.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, purchase orders, and any other records and documents indicating the names and addresses of Turbine's suppliers and vendors and Turbine's purchase from those suppliers and vendors.

Invoices, receipts, checks, bills, written instructions, plans, drawings, diagrams, and any other document and records related to the design, construction, and maintenance of the facility used to transport, handle, store or dispose of chemicals, industrial wastes and/or hazardous wastes.

Personal property of individuals that could contain records, documents, or personal notes that would indicate knowledge or evidence of a crime to include but not be limited to briefcases, daily planners or schedule planners and vehicles.

Any and all sample jars and/or equipment used or intended to be used by Turbine and its employees to sample and analyze any waste streams, whether they be solid or liquid, or industrial or hazardous waste, generated by its business processes, prior to the transportation and disposal of said waste streams, including records reflecting the amount of waste material generated by the business on a monthly and yearly basis, as well as transporter, disposer, and storage information concerning these waste materials.

Any and all material or samples of such material believed to be product, industrial waste or hazardous waste anywhere on the premises of Turbine whether said product or waste be on the ground, in a container, in a vehicle, in a building, or anywhere else on the premises, including the seizure or sampling of the contents of any 55-gallon drums or similar containers, storm drains, drainage ditches, sanitary sewer lines, or any other location on the premises where industrial or hazardous waste may be discharged into the environment.

HEREIN FAIL NOT and due return make hereof.

WITNESS MY SIGNATURE on this the 9 day of February  
A.D. 1999 at 4:02 O'clock, p.M.

MAGISTRATE

David Collins  
JUDGE

208 District Court of  
Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT FOR SEARCH WARRANT

I, MICHAEL WALSH, a Police Officer employed as a Sergeant by the City of Houston Police Department, Major Offenders Division, Environmental Investigations Unit, do swear that I have reason to believe and do believe that evidence of a criminal offense(s) exists at Turbine Chrome Services Inc., hereinafter Turbine, a business located at 7419 Avenue O, Houston, Harris County, Texas.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

LOCATION, DESCRIPTION AND LAYOUT OF PROPERTY

Said location is more particularly described as a commercial establishment named Turbine Chrome Services Inc., with an address of 7419 Avenue O located in Houston, Harris County, Texas. The location is on a dead-end street. The business can be found by traveling on I-10 east to the North Wayside Dr. exit, thence to Navigation Blvd., thence to 75<sup>th</sup> St., thence to Avenue O.

The business consists of approximately seven metal buildings, all of which are silver in color. From Avenue O, a business sign can be seen which is cream in color with brown lettering reading, "Turbine Chrome Services, Inc.", and bold lettering which reads "ROTATING EQUIPMENT", and red numbers and lettering which read "(713) 921-2277 24 HOUR SERVICE", and in black lettering the address "7419 AVENUE O, HOUSTON, TEXAS 77011" Surrounding the entire facility is a chain-linked fence, topped with barbed wire. To the north of the facility is a drainage ditch and just north of the drainage ditch are railroad tracks.

FACTS

On February 5, 1999, Joe Bosques, a City of Houston Environmental Quality Specialist III, who is currently assigned to Health and Human Services, informed Affiant that he had received information from a person who requested to remain anonymous, that Turbine located on Avenue O had been discharging their hazardous waste into the easement. Later that day, Affiant and Joe Bosques went to the location mentioned above and observed what appeared to be a high level of Chromium that had been discharged from the easement into the drainage ditch. Affiant observed that the distance from the discharge to Turbine's fence to be approximately seven feet.

On February 8, 1999, at approximately 10:20 a.m., Affiant and Bosques went back to the location where they observed the discharge of what they believed to be Chromium and obtained a water sample from the drainage ditch where the discharge had flowed from the easement into the drainage ditch. A field test was performed on the sample to determine the pH. A litmus paper test results showed a pH of between 2 and 3. The Environmental Protection Agency (EPA) has determined that if the pH is below 2 then it is determined to be a hazardous waste by corrosivity. The sample was taken to the City of Houston's environmental contractor, Eagle Construction and Environmental Services Inc. Eagle Construction and Environmental Services Inc. took the sample to A&B Environmental Services Laboratory for analysis.

On February 9, 1999, at approximately 8:30 a.m., Affiant was notified of the results of the analysis. The analysis showed the sample had elevated levels of Chromium, with a total level of 7,440 parts per million (ppm). The sample was further analyzed to indicate that the sample had 6,710 ppm of Hexavalent Chromium, an even more toxic and hazardous form of Chromium. Because of this high number, further testing was performed using the Toxicity Characteristic Leachate Procedure (TCLP). The TCLP analysis revealed a level of Chromium of 6520 ppm. According to the EPA standards, Chromium is considered hazardous waste if the TCLP analysis reveals a level of 5.0 ppm or more. Therefore, the amount of Chromium found in the surface water sampled was over 1300 times greater than the hazardous waste limit.

It is a misdemeanor criminal violation of Chapter 7.145 of the Texas Water Code for a person to intentionally or knowingly discharge or allow the discharge of a waste or pollutant into or adjacent to water in the state that cause or threatens to cause water pollution unless the waste or pollutant is discharged in strict compliance with all required permits or with an order issued or rule adopted by the appropriate regulatory agency.

It is a felony criminal violation of Chapter 7.162(a)(1) of the Texas Water Code for a person to intentionally or knowingly transport or cause or allow to be transported, for disposal, any hazardous waste to any location that is not a permitted disposal facility. It is a felony criminal violation of Chapter 7.162(a)(2) of the Texas Water Code for a person to intentionally or knowingly dispose of or cause to be disposed of, any hazardous waste without all required permits. It is a felony criminal violation of Chapter 7.162(a)(5) of the Texas Water Code for a person to intentionally or knowingly transport without a manifest or cause or allow to be transported without a manifest, any hazardous waste required to be accompanied by a manifest.

#### LOCATION OF EVIDENCE AND EVIDENCE SOUGHT

Evidence is believed to exist within the approximately seven metal buildings, out buildings, loading areas, and operation areas located on the premises described above and on the grounds of the subject property. Evidence is requested whether it

be in written form or on computer memory or electronic disc/disk. The evidence is believed to consist of:

Any and all computer records, records, documents, memoranda, notes, correspondences, photographs, contracts, job proposals, bids, reports, letters, recordings, files, lists of jobs, forms, laboratory analytical reports, material safety data sheets, trip tickets, shipping and/or transporter manifests, shipping and/or transporter papers, bills of lading, invoices, receipts, receipt books, and documents related to the maintenance and/or filing of records with the Texas Natural Resource Conservation Commission (TNRCC), the City of Houston, or any other government agency concerning the business of Turbine, including any records concerning the amount of product purchased and/or received each month for the company to operate its business.

Any and all computer records, documents, memoranda, notes, correspondences, photographs, reports, training reports, government forms, TNRCC, Texas Water Commission (TWC, a predecessor agency to the TNRCC), City of Houston, Harris County Pollution Control, and Environmental Protection Agency forms, certificates of training, certificates of training and certificates of registration relating to environmental statutes and regulatory compliance, logs, books, journals, files, records, notes, recordings, and any other documents related to information concerning the knowledge of Turbine's employees and personnel regarding the laws governing its business and, specifically, the handling and procedures for proper transportation, storage and disposal of industrial and/or hazardous waste generated by the business process.

Any and all computer records, books, notes, lists, and other documents and records indicating the names, addresses, and telephone numbers of all Turbine employees, to include documents which contain job descriptions or other information defining the nature and scope of each employee's responsibility while working for Turbine and records which show time and attendance of said employees, including time cards, payroll documents, or other such records, reflecting employment history.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, sales orders, and any other records and documents indicating the names and addresses of Turbine's customers and Turbine's sales to those customers.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, purchase orders, and any other records and documents indicating the names and addresses of Turbine's suppliers and vendors and Turbine's purchase from those suppliers and vendors.

Invoices, receipts, checks, bills, written instructions, plans, drawings, diagrams, and any other document and records related to the design, construction, and maintenance of the facility used to transport, handle, store or dispose of chemicals, industrial wastes and/or hazardous wastes.

Personal property of individuals that could contain records, documents, or personal notes that would indicate knowledge or evidence of a crime to include but not be limited to briefcases, daily planners or schedule planners and vehicles.

Any and all sample jars and/or equipment used or intended to be used by Turbine and its employees to sample and analyze any waste streams, whether they be solid or liquid, or industrial or hazardous waste, generated by its business processes, prior to the transportation and disposal of said waste streams, including records reflecting the amount of waste material generated by the business on a monthly and yearly basis, as well as transporter, disposer, and storage information concerning these waste materials.

Any and all material or samples of such material believed to be product, industrial waste or hazardous waste anywhere on the premises of Turbine whether said product or waste be on the ground, in a container, in a vehicle, in a building, or anywhere else on the premises, including the seizure or sampling of the contents of any 55-gallon drums or similar containers, storm drains, drainage ditches, sanitary sewer lines, or any other location on the premises where industrial or hazardous waste may be discharged into the environment.

WHEREFORE, PREMISES CONSIDERED, your Affiant respectfully requests that a warrant issue authorizing your Affiant, along with peace officers of Harris County, Texas with authority to enter the place and premises described above in Harris County, Texas, with authority to search for, seize and/or inspect, photograph and video, excavate and sample any and all evidence that may be found therein, including but not limited to the items described above, as well as all of the documentation described above, whether they are in written form or in computer memory or on electronic disc/disk. Due to the nature and potential hazards of the evidence to be searched for and sampled, technical support personnel from several agencies including but not limited to the Houston Police Department Computer Crimes Unit, Houston Fire Department, City of Houston Environmental Health Department, Bureau of Air Quality Control and Occupational Health with the City of Houston, Public Health and Public Services with the City of Houston, City Contractors (Eagle Construction and Environmental Services) and the Environmental Protection Agency may be required to assist in the execution of this search warrant.

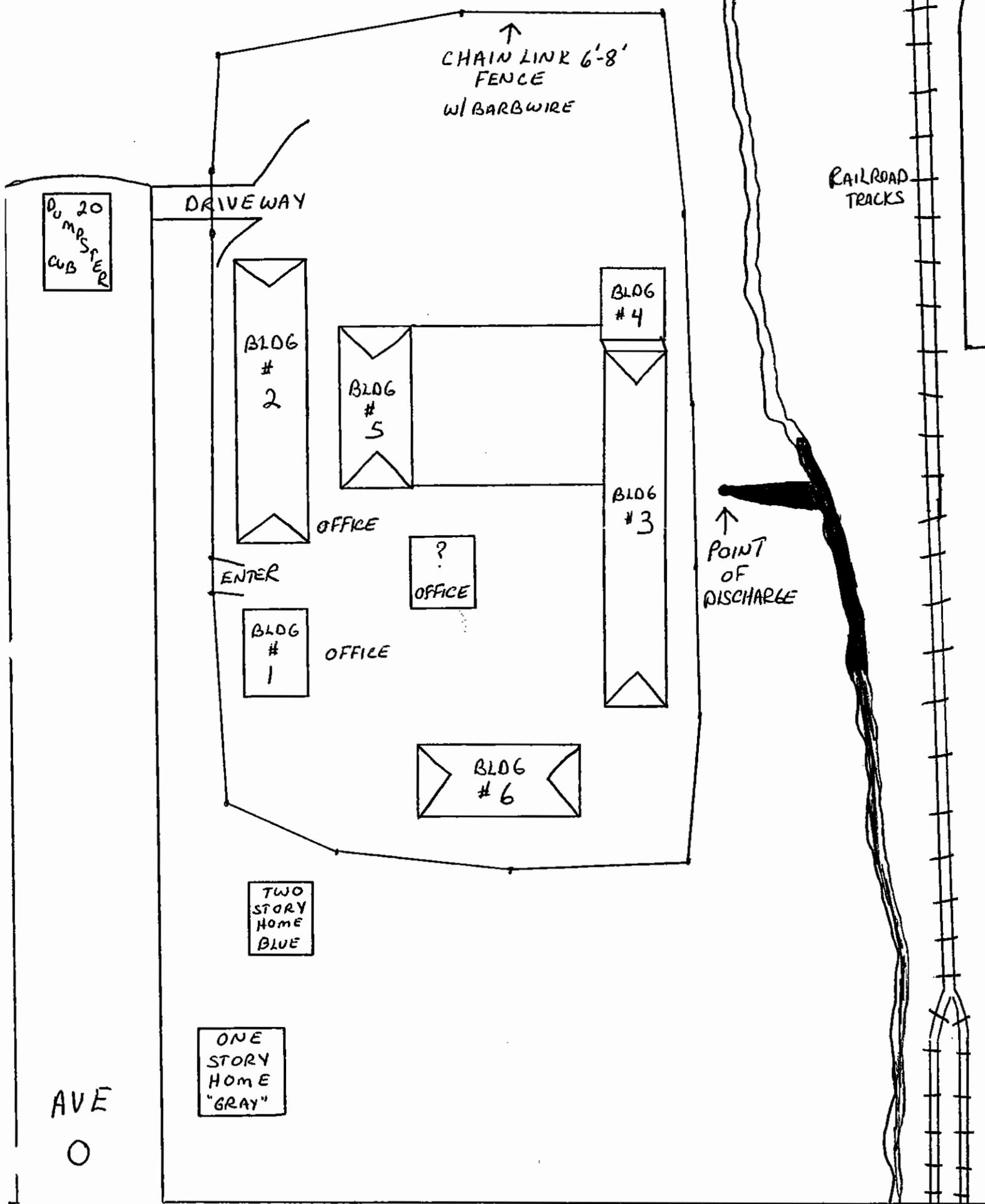
 (M WALSH)  
AFFIANT, MICHAEL WALSH

Sworn to and Subscribed before me on this the 7 day of February, 1999, A.D.

David Collis

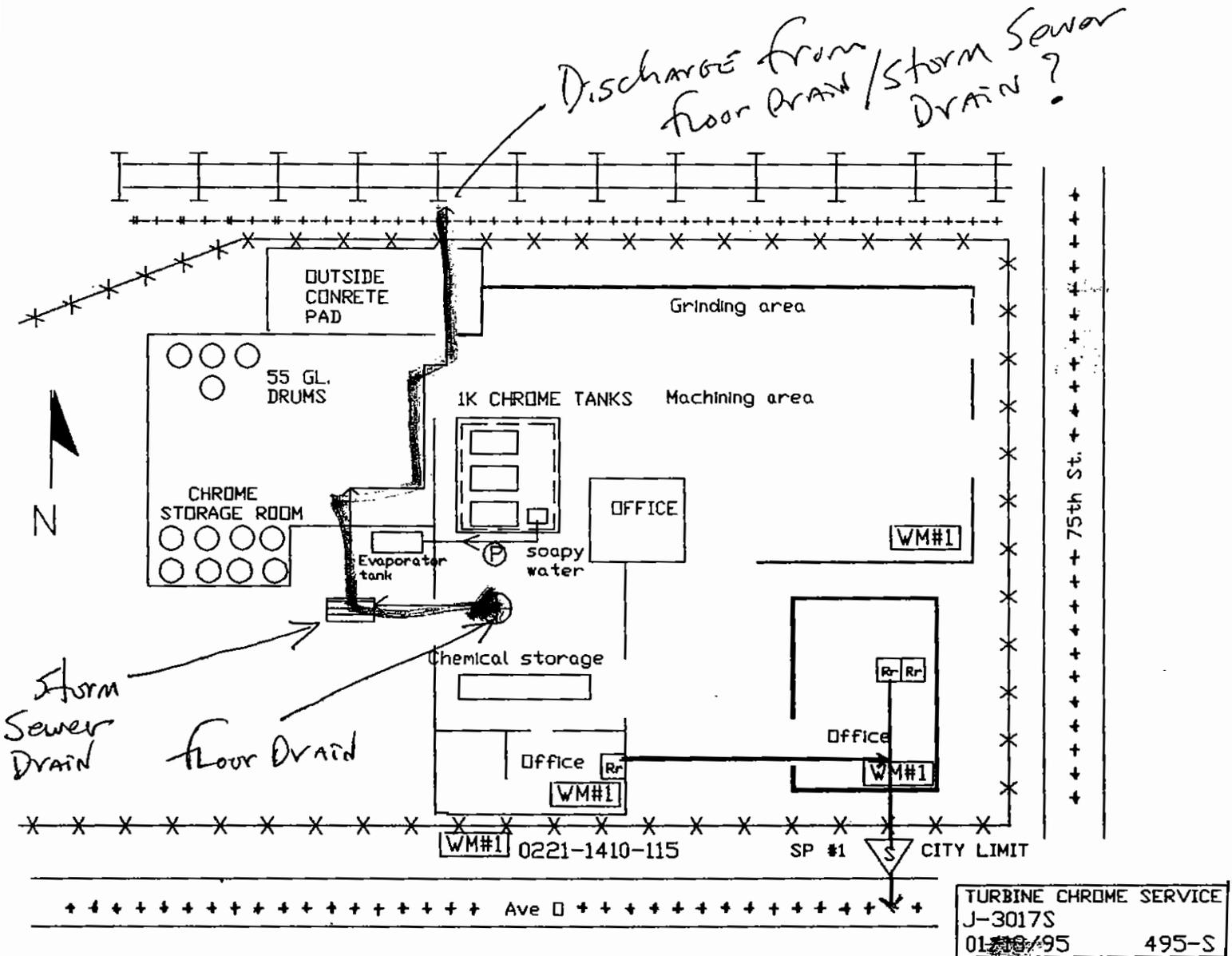
JUDGE

208 District Court  
Harris County, Texas



95<sup>TH</sup>

Boiler		FENCE		RESTROOM		SEWER, CITY		S.P. SUMP	
Catch Basin		FILM PROCESSOR		SEWER, CITY		SEWER, SANITARY		STORM DITCH SUMP	
CLEAN OUT		GREASE TRAP		SEWER, STORM		SINK, PROCESS		SUMP PUMP	
COOLING TOWER		ISD		SINK, HANDWASH		SAMPLE POINT SW		UTILITY SINK	
DISCHARGE METER		LIFT STATION		SAMPLE POINT MH		S.P. FLUME		WASTE OIL TANK	
DRAIN, STORM		MH-SANITARY						WELL, METERED	
DRAIN, TRENCH		MANHOLE, STORM						WELL, UNMETERED	
DRAIN, FLOOR		PUMP							
		RAILROAD							



TURBINE CHROME SERVICE  
 J-3017S  
 01-28-95 495-S

1-14-93

Inspection/Investigation: Turbine Chrome Services, Inc.  
7419 Ave. O

Representative: Mr. Al Parrish  
President

Discussion/Observations:

During an annual inspection at Turbine Chrome Services, Inc. located at 7419 Ave. O, on January 7, 1993, Mr. Al Parrish informed us that the wastewater from a metal cleaning tank of approximately fifty (50) gallons has been pumped and discharged to the back of the property into a ditch. No visible signs of stains of chromic acid or any other hazardous chemical on-site were observed during the inspection. This operation takes place approximately once a month, according to Mr. Parrish.

Turbine Chrome Services, Inc. was advised, immediately, to discontinue the illegal discharge to the ditch, and reroute the wastewater from the metal cleaning tank, to the sanitary sewer. Mr. Parrish indicated that he will instruct his employees to discharge the wastewater to the sanitary sewer and discontinue the illegal discharge to the ditch.

JB-EQS



<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. TXD008085649		Manifest Document No. 10771		2. Page 1 of 1		Information in the shaded areas is not required by Federal law.		
3. Generator's Name and Mailing Address TURBINE CHROME SERVICES, INC. 7419 AVENUE O HOUSTON, TX 77011						A. State Manifest Document Number No. 00518771				
4. Generator's Phone (713) 921-2277						B. State Generator's ID No. No. TXD008085649				
5. Transporter 1 Company Name TURBINE CHROME SERVICES, INC.				6. US EPA ID Number TXD008085649		C. State Transporter's ID				
7. Transporter 2 Company Name				8. US EPA ID Number		D. Transporter's Phone				
9. Designated Facility Name and Site Address ALPHA OMEGA RECYCLING INC 315 WHATLEY ROAD LONGVIEW, TX 75604						10. US EPA ID Number TXD981514383		G. State Facility's ID P. 20324 <del>37521</del> KF		
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers No. Type		13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
X a. HAZARDOUS WASTE, LIQUID N.O.S. NA9189						6 Drum		6	556	
b.										
c.										
d.										
J. Additional Descriptions for Materials Listed Above						K. Handling Codes for Wastes Listed Above. 1-59				
15. Special Handling Instructions and Additional Information  In case of spill: dike, contain, and notify dispatch.										
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.										
Printed/Typed Name Culberson A. Parrish				Signature <i>Culberson A. Parrish</i>			Month Day Year 12   12   91			
17. Transporter 1 Acknowledgement of Receipt of Materials										
Printed/Typed Name Culberson A. Parrish				Signature <i>Culberson A. Parrish</i>			Month Day Year 12   12   91			
18. Transporter 2 Acknowledgement of Receipt of Materials										
Printed/Typed Name				Signature			Month Day Year			
19. Discrepancy Indication Space										
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.										
Printed/Typed Name				Signature			Month Day Year			

104



1643 Federal Road  
Houston, Texas 77015  
(713) 453-6060  
FAX (713) 453-6091

ATTN: Ann

FROM: Eagle  
713 (281) 991-1529

PLEASE CHECK:  
Rush X  
Standard     

Project Name, # etc.  
Confidential

Project Location

Analysis Requested

P.O. #:

Lab ID:

Comments, Sample loc. etc.

Client Name  
City of Houston

Item # Sample # Date Time

Sample Type (\*)

Water Soil

? # of Cont

Metals  
Chromium  
Trace Metals

P.O. #:

Comments, Sample loc. etc.

Various Metals (13)

TRP if necessary

Item #	Sample #	Date	Time	Water	Soil	?	# of Cont	Analysis Requested	Relinquished By	Accepted By	Date	Time
1.	HM	2/9/99	1130	X			1	<u>Metals</u> <u>Chromium</u> <u>Trace Metals</u>				
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												

Sample Collected By:

Joe Bosquias

Transfer #

Item #

Relinquished By

Accepted By

Date

Time

(\* Please list any known Hazards)

1

1

Joe Bosquias

Ann

2-8-99

12:18

2

1

Ann

Ann

2/8/99

12:40

3

4



A & B Environmental Services, Inc.  
1643 Federal Road  
Houston, Texas 77015,  
(713) 453-6060

February, 09 1999

LABORATORY ANALYSIS REPORT  
-----

TO: Eagle Construction & Environm.  
Attn : Ms. Ann Miller  
5034 Spencer Hwy.  
Pasadena , TX 77505

P.O. #: 302960  
Ref:  
Confidential

Sample ID : HM-2 water  
Date Collected : 02/08/99@11:30  
Date Received : 02/08/99  
Lab ID : 33452.110  
By : Joe Bosques

This report can not be reproduced except in full, without prior written permission of the laboratory. Results below relate only to sample tested

PARAMETER	METHOD/ANALYST	DATE TESTED	RESULTS	LAB ID
Total Arsenic	3120 YZ	02/08/99 14:00	<0.02 mg/l	33452.11
Total Barium	3120 YZ	02/08/99 14:00	0.14 mg/l	33452.11
Total Cadmium	3120 YZ	02/08/99 14:00	0.09 mg/l	33452.11
Total Chromium	3120 YZ	02/08/99 14:00	7,440 mg/l	33452.11
Total Lead	3120 YZ	02/08/99 14:00	<0.02 mg/l	33452.11
Total Mercury	YZ	02/08/99 14:00	mg/l	33452.11
Total Selenium	3112 YZ	02/08/99 14:00	<0.03 mg/l	33452.11
Total Silver	3120 YZ	02/08/99 14:00	<0.02 mg/l	33452.11

REPORTED BY:  
DATE:

2/9/99

*Cela T. Walker*



A & B Environmental Services, Inc.  
 1643 Federal Road  
 Houston, Texas 77015  
 (713) 453-6060

February, 09 1999

LABORATORY ANALYSIS REPORT  
 -----

TO: Eagle Construction & Environm. P.O. #: 302960  
 Attn : Ms. Ann Miller Ref:  
 5034 Spencer Hwy. Confidential  
 Pasadena , TX 77505

Sample ID : HM-2 Lab ID : 33452.110  
 water  
 Date Collected : 02/08/99@11:30 By : Joe Bosques  
 Date Received : 02/08/99

This report can not be reproduced except in full, without prior written permission of the laboratory. Results below relate only to sample tested

PARAMETER	METHOD/ANALYST	DATE TESTED	RESULTS	LAB ID
Hexavalent Chromium	3500CrD PR	02/08/99 15:00	6,710 mg/l	33452.11
Trivalent Chromium		02/08/99 15:00	730 mg/l	33452.11

REPORTED BY: John T. Walker  
 DATE: 2/10/99



United States Environmental Protection Agency  
Criminal Investigation Division  
**Investigative Activity Report**

0601-0091  
Case Number

Case Title:  
Turbine Chrome

Reporting Office:  
Houston

Subject of Report:  
Interview of Culberson Parrish

Copies to:

Related Files:

Reporting Official and Date:  
S/A Andrea A. Abat  
February 16, 1999

Approving Official and Date:  
Thomas J. Kohl

*Andrea A. Abat*  
2/16/99

On February 10, 1999, this agent and City of Houston-Public Works and Engineering Senior Inspector Ed Rutland interviewed Culberson PARRISH, owner of TURBINE CHROME SERVICES, INC. (TURBINE). Mr. PARRISH was given a non-custodial advisement and agreed to answer questions.

Mr. PARRISH advised that TURBINE had been providing plating services at this location since approximately 1990. Prior to this, TURBINE operated at another Houston location for approximately four years. Prior to 1985, Mr. PARRISH was not involved in the electroplating industry.

Mr. PARRISH stated that TURBINE does not have a permit to store hazardous waste at their facility. He stated that TURBINE had used a company called Alpha Omega in Longview, Texas for disposal of the wastes generated in the plating operations. He advised that this waste was shipped for recycling on hazardous waste manifests, at which point he produced a manifest for this agent's inspection. He advised that it was typical for TURBINE to store hazardous wastes at the facility in excess of the "120 days we have to dispose of it". He said that he had wastes stored for at least 180 days and longer, and TURBINE did not dispose of these because they do not have the money to do so appropriately.

Mr. PARRISH advised that an EPA Environmental Scientist named Gerardo Acosta had been on site within 1998. Mr. Acosta had told Mr. PARRISH that he was storing hazardous wastes without a permit. Mr. PARRISH stated that this was the only inspection he remembered at this facility.

Mr. PARRISH said that a spill could happen without his knowledge but added that the reason for the pits under the vats would be to catch any spills. He said he did not know of anyone dumping behind the facility into the drainage ditch, and did not speculate as to why someone would do this.

Mr. PARRISH provided the agents with a tour of the facility to include the plating bath area of the warehouse. When asked about the spill into the ditch which was directly adjacent to these baths, Mr. PARRISH described the following. When heavy rains fall at the facility, the warehouse floods which commonly leads to the pits beneath the plating baths overflowing. At his direction, employees will pump the rainwater mixed with plating solution out of the warehouse and into the ditch behind the facility. When asked if he realized that this could cause the chromium and sulfuric acid to go to the ditch Mr. PARRISH responded affirmatively, and stated that TURBINE never reported this activity to regulators. Mr. PARRISH acknowledged that 55-gallon drums and 10-gallon pails located throughout the property contain sludges generated by the plating operations.

Mr. PARRISH said that based on the amount of free liquid in the ditch, he believes someone purposefully dumped the plating solutions. To his knowledge, Mr. PARRISH said that TURBINE did not have a major loss from the plating baths recently which would account for the waste in the ditch.

This document contains neither recommendations nor conclusions of the EPA.  
It is the property of the EPA and is loaned to your agency;  
it and its contents are not to be distributed outside your agency.

**United States Environmental Protection Agency  
Criminal Investigation Division  
Investigative Activity Report**

**0601-0091  
Case Number**

**Biographical Information:**

**Culberson Alfred Parrish; W/M; 5'-11"; 195 lbs.; gray hair/brown eyes; dob 1/06/37; TDL 03974019; SSN 450-58-3875  
Home address: Route 2, Box 283/SH 290, Hempstead, Texas 77445  
Home Phone: 409-826-2822**

**This document contains neither recommendations nor conclusions of the EPA.  
It is the property of the EPA and is loaned to your agency;  
it and its contents are not to be distributed outside your agency.**

Case #17844999-K

2/10/99

Witness Statement of:

**Elsie C. Parrish**

Home:

Rt. 2, Box 283

Hempstead, TX 77445

Phone: 409/826-2822

Mobile Phone: 713/828-4891

Work:

Turbine Chrome Services

7419 Ave. O

Houston, TX 77011

Phone: 713/921-2277

Fax: 713/921-3366

Job Title: Office Manager

D.O.B.: 3/30/41

TXDL: 04928362

SSN: 467-60-7245

Height: 5'7"

Weight: 128 pounds

Eyes: Hazel

Hair: Blonde

Facial Hair/Tattoos: No

Mrs. Parrish is Al Parrish's, Owner/President's, wife. She has officially worked at the facility (Turbine) since 4/1/97.

The facility has been at the Ave. O site since 1991. Before that, the site was located on Drennan Street, off of Canal.

The facility is a job shop, machine shop with grinding, chroming, and machining.

The EPA was at the facility in 1997, also when the company got out of Chapter 11 Bankruptcy.

Turbine did not have the money to send the plating solution to the usual place, Alpha Omega (Longview) for recycling. They usually deal with Jerry Froidl at Alpha-Omega.

Mr. Froidl is the Environmental Manager. Alpha-Omega recycles the chrome.

No cyanide is used in the plating process.

The EPA visited the site because they were going around checking chrome platers in the area for compliance.

When the EPA went to this facility, there were drums of spent chrome plating solution and absorbent material used in the chrome baths. (A manifest produced indicated there were 26 drums, and 4 fiber container bags for dry material on the load that went to Alpha-Omega.)

Alpha-Omega prepares the manifests.

Mrs. Parrish did not know how long the drums had been at their facility.

The chrome plating process is done by dipping the part to be plated in the tank, electricity is applied to the tank, the chrome adheres to the part. The part becomes larger in the plating process, so it is then ground down to the customers' required diameter specifications. Turbine uses only Alpha Omega for all of their disposal.

Acid is bought and used to clean parts, but Mrs. Parrish was not the person who ordered it. She said that other people order it.

Mrs. Parrish's main job is filing, payroll, accounts payable, and the majority of the ordering.

(Mrs. Parrish produced a second manifest.) The manifest was dated 4/24/93 and shipped 16 drums to Alpha-Omega. 880 Gallons of sludge was the description of the waste.

Mike Smith, the shop foreman, has been with Turbine since 1997.

Two men work at night, machinists, and they are the second shift.

Mrs. Parrish does not know about the waste in the ditch.

The plant runs 7:00 am to 4:00 pm.

Al (Parrish) and Mike (Smith) and the plating department (2 people) decide when to add to the chrome plating solution.

Once a week the plating baths are tested for: chromic acid solution percentage, sulfuric acid solution percentage, iron content, copper content, and trivalent chrome. The group decides what is missing from the solution then add whatever is missing. (From a weekly log that was produced, chrome product was added weekly.)

There are three chrome plating tanks.

829 Gallons

355 Gallons

1600 Gallons

A barrel (drum) of acid is stored by the three chrome tanks. The acid is used to clean just the part that has been plated. Rags or brushes are hand dipped into the acid for use.

The chrome solution is made up from chromic acid flakes from Atotech USA, Inc. The last purchase was June 1998.

(According to documents provided by Mrs. Parrish, the following purchases were made:)

Hydrochloric Acid on 8/27/97

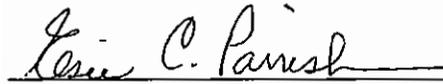
Hydrochloric Acid on 3/98

Chromic acid flakes on 10/98

Hydrochloric Acid on 11/98

March 18, 1999

As instructed by Sgt. Michael Walsh, investigating officer, Mrs. Elsie Cothran Parrish is picking up a box, which was removed, from Turbine Chrome Services, 7419 Avenue O, during a criminal investigation. This box contains assorted miscellaneous documents.

A handwritten signature in cursive script that reads "Elsie C. Parrish". The signature is written in dark ink and is positioned above a horizontal line.

Mrs. Elsie Cothran Parrish

TDL: 04928362

12 YRS COLLEGE

Date 2/10/99  
Time 3:52 PM

Statement of AL PARRISH  
taken in Harris County, Texas.

Prior to making this statement I have been warned by: MICHAEL WALSH  
the person to whom this statement is made, that:

- alp 1. I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial.
- alp 2. Any statement I make may be used as evidence against me at court.
- alp 3. I have the right to have a lawyer present to advise me prior to and during any questioning.
- alp 4. If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and:
- alp 5. I have the right to terminate the interview at any time.

Prior to and during the making of the statement I knowingly, intelligently and voluntarily waive the rights set out above and make the following voluntary statement:

My name is Al Parrish and I am the owner of Turbine Chrome Services, Inc. and have been for 18 years. It is my belief that the spill in the ditch between my business & the RR Track was done by someone else other than a Turbine Chrome Employee. I am extremely concerned with regards to this spillage and want everyone concerned to know that neither I nor any of my employees would have ever considered doing such a thing as horrible as dumping toxic waste on our own property. There are several people who have been let go that someone might talk to regarding strange things that happen here like heaters in the tanks being turned off, temperatures being changed etc. Mark Hernandez - 4200 Rusk - 713-224-8804  
John Davis - 12023 Kings Grove - 281-459-4676  
Ralph Mauldin - 23202 Dew Wood Lane - 281-350-3668

We are at this time dealing with the EPA to take care of matters that were investigated here during Oct.orNov. of 1997. A letter to them & from them is attached.

We have also had Arthur Malone w/Envriomental Serv. here for the past (2) weeks doing our testing for our TNRCC requirements on our new Chrome Platin Scrubber System. Arthur Malone - Chem Environmental Services, Inc. Ph. 281-482-6581

*alt Paul*

Signature of Person Making Statement

*Tomblin # 97467*

Witness

*David [unclear] 78031*

Witness



[Search](#) | [Index](#) | [Home](#) | [Glossary](#) | [Contact Us](#)

## CONTENTS

[What is the Top 20 List](#)

[Top 20 Substances](#)

[Contact Information](#)

## ATSDR RESOURCES

[ToxFAQs™ Info](#)

[Public Health Statements](#)

[Toxicological Profiles](#)

[CERCLA Priority List](#)

[Division of Toxicology](#)

# Top 20 Hazardous Substances

from the

## CERCLA Priority List of Hazardous Substances for 2001

### What is the Top 20 List?

The list below contains the Top 20 hazardous substances on the CERCLA Priority List of Hazardous Substances for 2001. The complete list of 275 substances is obtained from an annual evaluation fulfilling the conditions of CERCLA section 104 (i), as amended, which requires ATSDR and EPA to revise the Priority List of Hazardous Substances periodically to include additional hazardous substances.

Further information about the evaluation process and the complete set of 275 substances on the current list can be accessed online at:

**[CERCLA Priority List of Hazardous Substances for 2001.](#)**

Each of the Top 20 substances listed below is identified with their 2001 Rank Number and includes a link to an ATSDR publication, the **[ToxFAQs™ Sheet](#)**, which has further health and chemical information about that substance.

The ATSDR Division of Toxicology has prepared several sets of publications that provide answers to many health concerns that are voiced by community groups and give general information on various properties of each of these substances. Those publications are listed and may be accessed online at:

- **[ATSDR ToxFAQs™ Sheets](#)**
- **[ATSDR Public Health Statements](#)**
- **[ATSDR Toxicological Profiles](#)**

---

## Top 20 Substances

1. [Arsenic](#)
2. [Lead](#)
3. [Mercury](#)

4. [Vinyl Chloride](#)
  5. [Polychlorinated Biphenyls \(PCBs\)](#)
  6. [Benzene](#)
  7. [Cadmium](#)
  8. [Benzo\[a\]pyrene](#)
  9. [Polycyclic Aromatic Hydrocarbons](#)
  10. [Benzo\(b\)fluoranthene](#)
  11. [Chloroform](#)
  12. [DDT, p'p'](#)
  13. [Aroclor 1254](#)
  14. [Aroclor 1260](#)
  15. [Trichloroethylene](#)
  16. [Dibenz\[a,h\]anthracene](#)
  17. [Dieldrin](#)
  - ~~18. [Chromium, Hexavalent](#)~~
  19. [Chlordane](#)
  20. [Hexachlorobutadiene](#)
- 

**Contact information:**

Further information can be obtained by contacting the ATSDR Information Center at:

Agency for Toxic Substances and Disease Registry  
Division of Toxicology  
1600 Clifton Road NE, Mailstop E-29  
Atlanta, GA 30333  
Phone: 1-888-422-8737  
Fax: 1-404-498-0057  
E-mail: [ATSDRIC@cdc.gov](mailto:ATSDRIC@cdc.gov).

---

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ATSDR Information Center / [ATSDRIC@cdc.gov](mailto:ATSDRIC@cdc.gov) / 1-888-422-8737

This page was updated on December 3, 2001

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U.S. Department of Health and Human Services



[Search](#) | [Index](#) | [Home](#) | [Glossary](#) | [Contact Us](#)

[Back to List of ToxFAQs™](#)

## RELATED RESOURCES

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(See PDF Info)

[Public Health Statement](#)

[Toxicological Profile](#)

[Minimal Risk Levels](#)

[Division of Toxicology](#)

## CONTENTS

[Highlights](#)

[What is it?](#)

[What happens to it in the environment?](#)

[How might I be exposed to it?](#)

[How can it affect my health?](#)

[How likely is it to cause cancer?](#)

[How does it affect children?](#)

[How can families reduce their risk for exposure to it?](#)

[Is there a medical test for exposure?](#)

[Are there federal recommendations?](#)

[Contact for more information](#)

[More external safety and chemistry information](#)

ToxFAQs™ for

# Chromium

## CAS#

Chromium (III) 16065-83-1

Chromium (IV) 18540-29-9

February 2001

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*This fact sheet answers the most frequently asked health questions about chromium. For more information, you may call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. This information is important because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.*

---

**HIGHLIGHTS:** Exposure to chromium occurs from ingesting contaminated food or drinking water or breathing contaminated workplace air. Chromium(VI) at high levels can damage the nose and can cause cancer. Chromium has been found at 1,036 of the 1,591 National Priority List sites identified by the Environmental Protection Agency (EPA).

## What is chromium?

Chromium is a naturally occurring element found in rocks, animals, plants, soil, and in volcanic dust and gases. Chromium is present in the environment in several different forms. The most common forms are chromium(0), chromium(III), and chromium(VI). No taste or odor is associated with chromium compounds.

Chromium(III) occurs naturally in the environment and is an essential nutrient. Chromium(VI) and chromium(0) are generally produced by industrial processes.

The metal chromium, which is the chromium(0) form, is used for making steel. Chromium(VI) and chromium(III) are used for chrome plating, dyes and pigments, leather tanning, and wood preserving.

### What happens to chromium when it enters the environment?

- Chromium enters the air, water, and soil mostly in the chromium (III) and chromium(VI) forms.
- In air, chromium compounds are present mostly as fine dust particles which eventually settle over land and water.
- Chromium can strongly attach to soil and only a small amount can dissolve in water and move deeper in the soil to underground water.
- Fish do not accumulate much chromium in their bodies from water.

### How might I be exposed to chromium?

- Eating food containing chromium(III).
- Breathing contaminated workplace air or skin contact during use in the workplace.
- Drinking contaminated well water.
- Living near uncontrolled hazardous waste sites containing chromium or industries that use chromium.

### How can chromium affect my health?

Chromium(III) is an essential nutrient that helps the body use sugar, protein, and fat.

Breathing high levels of chromium(VI) can cause irritation to the nose, such as runny nose, nosebleeds, and ulcers and holes in the nasal septum.

Ingesting large amounts of chromium(VI) can cause stomach upsets and ulcers, convulsions, kidney and liver damage, and even death.

Skin contact with certain chromium(VI) compounds can cause skin ulcers. Some people are extremely sensitive to chromium(VI) or chromium(III). Allergic reactions consisting of severe redness and swelling of the skin have been noted.

### How likely is chromium to cause cancer?

Several studies have shown that chromium(VI) compounds can increase the risk of lung cancer. Animal studies have also shown an increased risk of cancer.

The World Health Organization (WHO) has determined that chromium

Chromium(VI) is a human carcinogen.

The Department of Health and Human Services (DHHS) has determined that certain chromium(VI) compounds are known to cause cancer in humans.

The EPA has determined that chromium(VI) in air is a human carcinogen.

### **How does chromium affect children?**

We do not know if exposure to chromium will result in birth defects or other developmental effects in people. Birth defects have been observed in animals exposed to chromium(VI).

It is likely that health effects seen in children exposed to high amounts of chromium will be similar to the effects seen in adults.

### **How can families reduce the risk of exposure to chromium?**

- Children should avoid playing in soils near uncontrolled hazardous waste sites where chromium may have been discarded.
- Although chromium(III) is an essential nutrient, you should avoid excessive use of dietary supplements containing chromium.

### **Is there a medical test to show whether I've been exposed to chromium?**

Since chromium(III) is an essential element and naturally occurs in food, there will always be some level of chromium in your body. There are tests to measure the level of chromium in hair, urine, and blood. These tests are most useful for people exposed to high levels. These tests cannot determine the exact levels of chromium that you may have been exposed to or predict how the levels in your tissues will affect your health.

### **Has the federal government made recommendations to protect human health?**

EPA has set a limit of 100 µg chromium(III) and chromium(VI) per liter of drinking water (100 µg/L).

The Occupational Safety and Health Administration (OSHA) has set limits of 500 µg water soluble chromium(III) compounds per cubic meter of workplace air (500 µg/m<sup>3</sup>), 1,000 µg/m<sup>3</sup> for metallic chromium (0) and insoluble chromium compounds, and 52 µg/m<sup>3</sup> for chromium (VI) compounds for 8-hour work shifts and 40-hour work weeks.

### **Source of Information**

Agency for Toxic Substances and Disease Registry (ATSDR). 2000. Toxicological profile for chromium (Update). Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

### Where can I get more information?

ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.

### For more information, contact:

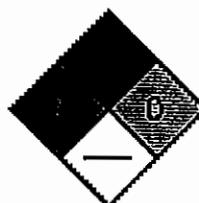
Agency for Toxic Substances and Disease Registry  
Division of Toxicology  
1600 Clifton Road NE, Mailstop E-29  
Atlanta, GA 30333  
Phone: 1-888-422-8737  
FAX: (404)498-0057

---

### External safety and chemistry information (please see our [disclaimer](#)):

**Chromium**  
Cr

[Stereo Image](#)  
[MDL Molfile](#)



[NFPA Label Key](#)

[Vermont SIRI MSDS Archive](#)

---

ATSDR Information Center / [ATSDRIC@cdc.gov](mailto:ATSDRIC@cdc.gov) / 1-888-422-8737

This page last updated on June 11, 2001

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[About ATSDR](#) | [News Archive](#) | [ToxFAQs](#) | [HazDat](#) | [Public Health Assessments](#)  
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U.S. Department of Health and Human Services

REPORT: DIM601  
DATE: 01/23/2002

JUSTICE INFORMATION MANAGEMENT SYSTEM  
D.A. INTAKE MANAGEMENT SYSTEM  
PROBABLE CAUSE INFORMATION

PAGE: 1  
TIME: 11:28

TRANSACTION NUMBER: 550651

DA LOG NUMBER: 550651

DISTRICT ATTORNEY.: BILY, ERIC

DA SPN: 050789901

IN CUSTODY: N

TOTAL # OF CHARGES: 7

DEFENDANT: INC., TURBINE CHROME SERVICES

RACE: SEX: DOB: SPN: AFIS #

ADDRESS: 7419 AVENUE O

CITY...: HOUSTON, TX

ZIP: 77011-1715

PHONE...: (713) 921-2277

CO-DEFENDANT: CULBERSON ALFRED PARRISH

DATE OF ARREST:

ARREST TIME:

POLICE AGENCY.: HOUSTON POLICE DEPARTMENT

OFFICER NAME...: WALSH, MICHAEL

PAYROLL NUMBER: 085864

BEEPER NUMBER.: (281) 735-3606

OFFICER PHONE: (713) 865-7280

BADGE NUMBER.:

FAX NUMBER...: (713) 865-7259

FAX LOCATION.:

CHARGE(1): STORAGE/DISP. HAZWAS FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARDW

DATE OF OFFENSE...: 02/08/1999

ADDRESS OF OFFENSE: 7400 AVENUE O

OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

CHARGE(2): STORAGE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995RARD W  
DATE OF OFFENSE...: 02/09/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(3): STORAGE/DISP. HAZWAS FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARDW  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(4): DISPOSE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/08/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(5): DISPOSE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/09/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE (6): STORAGE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE (7): USED OIL C/M/R ACT FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995/M/RA  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

COMPLAINANT/WITNESS (1): STATE OF TEXAS

---

DAMAGE/RESTITUTION:

TOTAL RESTITUTION (AMOUNT OF DAMAGE) : \$9,600.00

DESCRIPTION OF PROPERTY	VALUE
APPROX. COST OF ANALYTICAL WORK	0000007500.00
APPROX. COST OF FILM	0000000100.00
APPROX. COST OF OVERTIME FOR INVESTIGATORS	0000002000.00

\*\*\*\*\*  
\* NCIC CHECK: CLEAR: ATTACHED: \*  
\* JIMS CHECK: CLEAR: ATTACHED: \*  
\*\*\*\*\*

SUMMARY OF FACTS:

HOUSTON POLICE DEPARTMENT SERGEANT M.S. WALSH WHO IS ASSIGNED TO MAJOR OFFENDERS DIVISION IN THE ENVIRONMENTAL INVESTIGATIONS UNIT AND (EQS) ENVIRONMENTAL QUALITY SPECIALIST JOE BOSQUES WHO IS ASSIGNED TO THE PUBLIC HEALTH AND HUMAN SERVICES DEPARTMENT RESPONDED TO AN ANONYMOUS COMPLAINT. THE COMPLAINT ALLEGED THAT THE DEFENDANTS' "TURBINE CHROME SERVICES" & THE CO-DEFENDANT "CULBERSON ALFRED PARRISH" HAVE BEEN DUMPING THIER HAZARDOUS WASTE (CHROME) ILLEGALLY FOR YEARS. ON FEBRUARY 8TH, 1999 AT APPROX. 1020 HRS WALSH & BOSQUES ARRIVED AT THE FACILITY WHICH IS LOCATED AT 7419 AVENUE O, HOUSTON, HARRIS COUNTY, TEXAS. THE FACILITY IS LESS THAN ONE-FOURTH (1/4) OF A MILE FROM THE HOUSTON SHIP CHANNEL. WALSH OBSERVED A DRAINAGE DITCH THAT RAN ADJACENT TO THE NORTHERN BOUNDARY LINE OF THE FACILITY. WALSH & BOSQUES OBSERVED APPROX. THIRTY TO FIFTY GALLONS (30 TO 50 GAL) OF WHAT APPEARED TO BE CHROME WASTE. BOSQUES TOOK AN ENVIRONMENTAL SAMPLE, SUBMITTED IT TO THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR "EAGLE" FOR TESTING. A CHROME TYPE WASTE APPEARED ON THE SOIL/BANK OF THE DITCH ON THE SIDE CLOSEST TO THE FACILITY, AN AREA WHICH WAS NEAREST TO ONE OF THE FACILITIES BUILDINGS. THE SAMPLE WAS ANAYLIZED WITH THE FOLLOWING RESULTS: TOTAL CHROMIUM= SEVEN THOUSAND FOUR HUNDRED & FORTY PARTS PER MILLION (PPM) (7444 PPM)/HEXAVALENT CHROMIUM= SIX THOUSAND SEVEN HUNDRED & TEN PPM (6710 PPM)/TRIVALENT CHROMIUM= SEVEN HUNDRED THIRTY PPM. DUE TO THE HIGH AMOUNT OF CHROMIUM A TOXICITY CHARACTERISTIC LEACHIUNG PROCUDURE WAS CONDUCTED ON THE SAMPLE WHICH SHOWED THE FOLLOWING RESULTS: SIX THOUSAND FIVE HUNDRED & TWENTY PPM CHROMIUM (TCLP 6520 PPM). ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AN AMOUNT OF FIVE PPM (5 PPM) OR GREATER ON A TCLP TEST FOR CHROMIUM IS CONSIDERED A HAZARDOUS WASTE BY CHARACTERISTIC, NAMELY BY TOXICITY. THIS SAMPLE CLEARLY SHOWED THE WASTE IN THE DITCH WAS HAZARDOUS WASTE. WALSH CONFIRMED THAT THE AFOREMENTIONED DITCH FLOWS DIRECTLY INTO THE HOUSTON SHIP CHANNEL. WALSH & ASST DA ERIC BILY PREPARED A SEARCH WARRANT FOR THE FACILITY. WALSH ALSO CONFIRMED THE WEATHER FORECAST FOR THE FOLLOWING DAYS WHICH SHOWED A STRONG CHANCE OF

HEAVY THUNDERSTORMS WITH MEASUREABLE AMOUNTS OF RAINFALL. ON 021099 WALSH, BOSQUES AND THE ENVIRONMENTAL SEARCH WARRANT TEAM EXECUTED A SEARCH WARRANT AT THE FACILITY. UPON ARRIVAL WALSH AND BOSQUES OBSERVED A MUCH LARGER AMOUNT OF WHAT APPEARED TO BE CHROMIUM WASTE IN THE DRAINAGE DITCH, APPROX. FIVE HUNDRED TO EIGHT HUNDRED GALLONS (500 TO 800 GAL). ADDITIONAL SAMPLES WERE TAKEN FROM THE DITCH AND ANALYZED. THOSE SAMPLES ALSO SHOWED A TCLP OF FIVE PPM (5 PPM) OR GREATER (TCLP CHROMIUM 4576 PPM). ON THE FACILITIES PROPERTY OTHER ENVIRONMENTAL SAMPLES WERE TAKEN FROM THE SURROUNDING AREA WHICH ALSO SHOWED TOXIC/HAZARDOUS LEVELS OF CHROMIUM (TCLP 20.4 PPM). AT ONE LOCATION CLOSE TO THE DRAINAGE DITCH A LARGE BLK STAIN WAS OBSERVED ON THE GROUND RIGHT OUTSIDE OF THE WAREHOUSE. AN ENVIRONMENTAL SAMPLE WAS RECOVERED FROM THIS AREA WHICH SHOWED THE FOLLOWING: TOTAL CHROMIUM= 6133 PPM/TOTAL COPPER= 15153 PPM/TOTAL NICKEL= 2303 PPM/TOTAL LEAD= 731 PPM & TOTAL PETROLEUM HYDROCARBONS (TPH) 193300 PPM. FROM THE ANALYTICAL EVIDENCE IT WOULD APPEAR TO BE USED OIL, AND A VIOLATION OF THE USED OIL COLLECTION, MANAGEMENT, RECYCLING ACT. ADDITIONALLY, BOSQUES LOCATED APPROX. FIFTEEN (15) FIFTY-FIVE GALLON DRUMS (55 GAL) OF HAZARDOUS WASTE IN A STORAGE BLDG. TWO SEPERATE SAMPLES WERE TAKEN FROM THE DRUMS WHICH SHOWED THE FOLLOWING: TOTAL CHROMIUM 108682 PPM/TCLP CHROMIUM 3681/TOTAL LEAD 3755/TCLP LEAD 20 PPM/ SAMPLE #2 SHOWED TOTAL CHROMIUM 17555 PPM/TCLP CHROMIUM 291/TOTAL LEAD 3889 PPM/ TCLP LEAD 2 PPM. BASED ON THE INFORMATION RECEIVED FROM THE TNRCC AND THE EPA THE DEFENDANT IS NOT A PERMITTED SITE FOR THE STORAGE OF HAZARDOUS WASTE. THE CO-DEFENDANT (PARRISH) WHO WAS GIVEN A NON/CUSTODIAL WARNING STATED THAT HE BELIEVED SOMEONE WHO IS UNKNOWN TO HIM DUMPED THE WASTE IN THE DITCH BUT ACKNOWLEDGED THAT IT WAS GENERATED BY HIM & HIS FACILITY. THE CO-DEFENDANT EVEN SIGNED A WRITTEN CONTRACT WITH THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR TO START IMMEDIATE ASSESSMENT, REMEDIATION, AND DISPOSAL OF THE WASTE. BASED ON THE AFOREMENTIONED EVIDENCE IT IS BELIEVED THAT THE DEFENDANTS ARE IN VIOLATION OF THE LISTED CHARGES.

4METHOD OF IDENTIFICATION:  
CIRCUMSTANTIAL EVIDENCE

DATE: 01/23/02

D. A. INTAKE MANAGEMENT SYSTEM  
DEFENDANT DESCRIPTORS

TRANSACTION #: 550651  
IN CUSTODY: N  
DATE OF ARREST:

D.A. LOG #: 550651  
ID BY PRINTS: N  
TIME OF ARREST:

SPN #: .....  
AFIS NUMBER: .....  
DEFENDANT NAME: INC., TURBINE CHROME SERVICES  
ALIAS NAME: .....  
ALIAS SPN: .....

JS CITIZEN: .....  
PLACE OF BIRTH: .....  
RACE: .....  
MARITAL STATUS: .....  
HAIR: .....  
SCARS: .....  
INS#: .....  
CITY OF BIRTH: .....  
SEX: .....  
DOB: .....  
BUILD: .....  
SKIN: .....  
HEIGHT: .....  
EYES: .....  
WEIGHT: .....

STREET ADDRESS: 7419 AVENUE O  
CITY: HOUSTON, TX  
PHONE: (713) 921 - 2277  
ZIP: 77011-1715

PRIOR ARREST?: N  
AGENCY ID #: HPD  
ALIAS SPN(S):  
DL#: .....  
FBI#: .....  
SSN: - -  
DL ST: .....  
STATE ID #: .....  
SO#: .....

EMPLOYER: SELF  
OCCUPATION: CORPORATION

CO-DEFENDANTS? YES  
PARRISH, CULBERSON ALFRED

DOES THE DEFENDANT HAVE A SPN? Y  N

REPORT: DIM601  
DATE: 01/23/2002

JUSTICE INFORMATION MANAGEMENT SYSTEM  
D.A. INTAKE MANAGEMENT SYSTEM  
PROBABLE CAUSE INFORMATION

PAGE: 1  
TIME: 11:33

TRANSACTION NUMBER: 550651

DA LOG NUMBER: 550695

DISTRICT ATTORNEY.: BILY, ERIC

DA SPN: 050789901

IN CUSTODY: N TOTAL # OF CHARGES: 7

DEFENDANT: PARRISH, CULBERSON ALFRED

RACE: W SEX: M DOB: 01/06/1937 SPN: AFIS #

ADDRESS: RT #2 BOX 283/HWY 290

CITY...: HEMPSTEAD, TX

ZIP: 77445-

PHONE...: (409) 826-2822

CO-DEFENDANT: TURBINE CHROME SERVICES INC.

DATE OF ARREST:

ARREST TIME:

POLICE AGENCY.: HOUSTON POLICE DEPARTMENT

OFFICER NAME..: WALSH, MICHAEL

PAYROLL NUMBER: 085864

KEEPER NUMBER.: (281) 735-3606

OFFICER PHONE: (713) 865-7280

BADGE NUMBER.:

FAX NUMBER...: (713) 865-7259

FAX LOCATION.:

CHARGE(1): STORAGE/DISP. HAZWAS FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARDW

DATE OF OFFENSE...: 02/08/1999

ADDRESS OF OFFENSE: 7400 AVENUE O

OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

CHARGE(2): STORAGE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/09/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(3): STORAGE/DISP. HAZWAS FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARDW  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(4): DISPOSE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/08/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(5): DISPOSE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/09/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(6): DISPOSE HAZARD WASTE FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995ZARD W  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

CHARGE(7): USED OIL C/M/R ACT FELONY

BOND AMOUNT:

OFFENSE REPORT #...: 178349995/M/RA  
DATE OF OFFENSE...: 02/10/1999  
ADDRESS OF OFFENSE: 7400 AVENUE O  
OFFENSE CITY.....: HOUSTON, TX

ZIP: 77011-1715

PROTECTIVE ORDER REQUESTED:

---

COMPLAINANT/WITNESS(1): STATE OF TEXAS

---

DAMAGE/RESTITUTION:

TOTAL RESTITUTION (AMOUNT OF DAMAGE) : \$9,600.00

DESCRIPTION OF PROPERTY	VALUE
APPROX. COST OF ANALYTICAL WORK	0000007500.00
APPROX. COST OF FILM	0000000100.00
APPROX. COST OF OVERTIME FOR INVESTIGATORS	0000002000.00

\*\*\*\*\*  
\*  
\* NCIC CHECK: CLEAR: ATTACHED: \*  
\*  
\* JIMS CHECK: CLEAR: ATTACHED: \*  
\*  
\*\*\*\*\*

SUMMARY OF FACTS:

HOUSTON POLICE DEPARTMENT SERGEANT M.S. WALSH WHO IS ASSIGNED TO MAJOR OFFENDERS DIVISION IN THE ENVIRONMENTAL INVESTIGATIONS UNIT AND (EQS) ENVIRONMENTAL QUALITY SPECIALIST JOE BOSQUES WHO IS ASSIGNED TO THE PUBLIC HEALTH AND HUMAN SERVICES DEPARTMENT RESPONDED TO AN ANONYMOUS COMPLAINT. THE COMPLAINT ALLEDGED THAT THE DEFENDANTS' "TURBINE CHROME SERVICES" & THE CO-DEFENDANT "CULBERSON ALFRED PARRISH" HAVE BEEN DUMPING THIER HAZARDOUS WASTE (CHROME) ILLEGALLY FOR YEARS. ON FEBRUARY 8TH, 1999 AT APPROX. 1020 HRS WALSH & BOSQUES ARRIVED AT THE FACILITY WHICH IS LOCATED AT 7419 AVENUE O, HOUSTON, HARRIS COUNTY, TEXAS. THE FACILITY IS LESS THAN ONE-FOURTH (1/4) OF A MILE FROM THE HOUSTON SHIP CHANNEL. WALSH OBSERVED A DRAINAGE DITCH THAT RAN ADJACENT TO THE NORTHERN BOUNDARY LINE OF THE FACILITY. WALSH & BOSQUES OBSERVED APPROX. THIRTY TO FIFTY GALLONS (30 TO 50 GAL) OF WHAT APPEARED TO BE CHROME WASTE. BOSQUES TOOK AN ENVIRONMENTAL SAMPLE, SUBMITTED IT TO THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR "EAGLE" FOR TESTING. A CHROME TYPE WASTE APPEARED ON THE SOIL/BANK OF THE DITCH ON THE SIDE CLOSEST TO THE FACILITY, AN AREA WHICH WAS NEAREST TO ONE OF THE FACILITIES BUILDINGS. THE SAMPLE WAS ANAYLIZED WITH THE FOLLOWING RESULTS: TOTAL CHROMIUM= SEVEN THOUSAND FOUR HUNDRED & FORTY PARTS PER MILLION (PPM) (7444 PPM)/HEXAVALENT CHROMIUM= SIX THOUSAND SEVEN HUNDRED & TEN PPM (6710 PPM)/TRIVALENT CHROMIUM= SEVEN HUNDRED THIRTY PPM. DUE TO THE HIGH AMOUNT OF CHROMIUM A TOXICITY CHARACTERISTIC LEACHIUNG PROCEDURE WAS CONDUCTED ON THE SAMPLE WHICH SHOWED THE FOLLOWING RESULTS: SIX THOUSAND FIVE HUNDRED & TWENTY PPM CHROMIUM (TCLP 6520 PPM). ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AN AMOUNT OF FIVE PPM (5 PPM) OR GREATER ON A TCLP TEST FOR CHROMIUM IS CONSIDERED A HAZARDOUS WASTE BY CHARACTERISTIC, NAMELY BY TOXICITY. THIS SAMPLE CLEARLY SHOWED THE WASTE IN THE DITCH WAS HAZARDOUS WASTE. WALSH CONFIRMED THAT THE AFOREMENTIONED DITCH FLOWS DIRECTLY INTO THE HOUSTON SHIP CHANNEL. WALSH & ASST DA ERIC BILY PREPARED A SEARCH WARRANT FOR THE FACILITY. WALSH ALSO CONFIRMED THE WEATHER FORECAST FOR THE FOLLOWING DAYS WHICH SHOWED A STRONG CHANCE OF

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METHOD OF IDENTIFICATION:

ORAL CONFESSION LEADING TO EVIDENCE  
WRITTEN CONFESSION  
CIRCUMSTANTIAL EVIDENCE

DATE: 01/23/02

D. A. INTAKE MANAGEMENT SYSTEM  
DEFENDANT DESCRIPTORS

REPORT: DIM601

JUSTI

TRANSACTION #.: 550651  
IN CUSTODY....: N  
DATE OF ARREST:

D.A. LOG #: 550695  
ID BY PRINTS: N  
TIME OF ARREST:

SPN #.....:  
AFIS NUMBER...:  
DEFENDANT NAME: PARRISH, CULBERSON ALFRED  
ALIAS NAME.....:  
ALIAS SPN.....:

JS CITIZEN....: Y  
PLACE OF BIRTH:  
RACE.....: W  
MARITAL STATUS: MA  
HAIR.....: BRO  
SCARS.....:  
SEX: M  
BUILD: MED  
SKIN: MED  
INS#:  
CITY OF BIRTH:  
DOB: 01/06/1937  
HEIGHT: 511  
EYES: BRO  
WEIGHT: 210

STREET ADDRESS: RT #2 BOX 283/HWY 290  
CITY.....: HEMPSTEAD, TX  
PHONE.....: (409) 826 - 2822  
ZIP: 77445-

PRIOR ARREST?: N  
AGENCY ID #..: HPD  
ALIAS SPN(S)..:  
DL#.....: 03974019  
FBI#:  
SSN: 450-58-3875  
DL ST: TX  
STATE ID #:  
SO#:

EMPLOYER.....: SELF  
OCCUPATION.....: PRESIDENT OF CO-DEFENDANT (CORP)

CO-DEFENDANTS? YES  
INC., TURBINE CHROME SERVICES

DOES THE DEFENDANT HAVE A SPN? Y (N)

\*\*\*\*\*  
13:35:38\*\*\*\*\* ORIGINAL INQUIRY :-TIC.RQW-X.TX101015A.NAM/PARRISH,CULBERSON AL  
FRED.RAC/W.SEX/M.DOB/010637.SOC/450583875

+++++  
-13:35:41+++++ REPLY :  
0/19/99 13:35:53 NL01AUH 1666.NO RECORD TCIC  
AM/PARRISH,C

\*\*\*\*\*

\*\*\*\*\* ORIGINAL INQUIRY :--\*\*CCH INQUIRY - ORIGINAL INQUIRY NOT SAVED\*\*

+++++  
-13:35:41+++++ REPLY :  
0/19/99 13:35:53 NL01AUH LHR2.NO RECORD TCIC  
4.TX101015A  
AM/PARRISH,CULBERSON ALFRED.SEX/M.RAC/W.DOB/19370106.  
JR/C  
EQ/BUGAJ, JACKIE DALE.OPR/BUGAJ, JACKIE DALE

\*\*\*\*\*

\*\*\*\*\* ORIGINAL INQUIRY :--\*\*CCH INQUIRY - ORIGINAL INQUIRY NOT SAVED\*\*

+++++  
-13:35:42+++++ REPLY :  
0/19/99 13:35:53 NL01AUH LHR2.NO RECORD TCIC  
4.TX101015A  
AM/PARRISH,CULBERSON ALFRED.SOC/450583875.  
JR/C  
EQ/BUGAJ, JACKIE DALE.OPR/BUGAJ, JACKIE DALE

\*\*\*\*\*

\*\*\*\*\* ORIGINAL INQUIRY :-TIC.RQW-X.TX101015A.NAM/PARRISH,CULBERSON AL

FRED.RAC/W.SEX/M.DOB/010637.SOC/450583875  
+++++  
-13:35:42+++++ REPLY :  
0/19/99 13:35:53 1L01AUH 1666  
(101015A  
) NCIC WANT SOC/450583875  
) NCIC WANT NAM/PARRISH,CULBERSON ALFRED DOB/19370106 RAC/W SEX/M

\*\*\*\*\*

\*\*\*\*\* ORIGINAL INQUIRY :--\*\*CCH INQUIRY - ORIGINAL INQUIRY NOT SAVED\*\*

+++++  
-13:35:43+++++ REPLY :  
0/19/99 13:35:54  
.01AUH LHR2  
(101015A  
) IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX  
(II) FOR NAM/PARRISH,CULBERSON ALFRED.SEX/M.RAC/W.DOB/19370106.PUR/C.  
NOTICE --- A LARGE NUMBER OF RECORDS FOR PERSONS BORN PRIOR TO 1956 ARE  
NOT AUTOMATED AT THE FBI. IF A SEARCH OF THE NONAUTOMATED FILES IS  
REQUIRED, A FINGERPRINT CARD SHOULD BE SUBMITTED.

ID

\*\*\*\*\*

\*\*\*\*\* ORIGINAL INQUIRY :--\*\*CCH INQUIRY - ORIGINAL INQUIRY NOT SAVED\*\*

01/19/99 13:35:55

01A0H LHR2

(101015A

) IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX

(II) FOR NAM/PARRISH,CULBERSON ALFRED.SOC/450583875.PUR/C.

ID

\*\*\*\*\*

ENTER BASIC ID INFORMATION

\*\* LNAM \*\*

LAST NAME: PARRISH \_\_\_\_\_ SOCIAL SECURITY #: 450583875

FIRST NAME: CULBERSON \_\_\_\_\_ STATE ID #: \_\_\_\_\_

MIDDLE NAME: ALFRED \_\_\_\_\_ FBI ID #: \_\_\_\_\_

BOY: \_

JAIL: \_

SEX: M

RACE: W

AGE: \_\_\_\_\_

JOB: 010637

H/W: \_

SPN: \_\_\_\_\_

ID RECORD FOUND FOR THE ABOVE QUERY.

6 MESSAGE(S) FROM TCIC, PRESS PA2 UNTIL 'NO MESSAGES WAITING'



**TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**  
CAROLE KEETON RYLANDER • COMPTROLLER • AUSTIN, TEXAS 78774

January 23, 2002

**CERTIFICATE OF ACCOUNT STATUS**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Carole Keeton Rylander, Comptroller of Public Accounts of the State of Texas  
DO HEREBY CERTIFY that according to the records of this office

TURBINE CHROME SERVICES INC

is, as of this date, in good standing with this office having no franchise  
tax reports or payments due at this time. This certificate is valid through  
the date that the next franchise tax report will be due May 15, 2002.

This certificate is valid for the purpose of conversion when the converted  
entity is subject to franchise tax as required by law. This certificate is  
not valid for the purpose of dissolution, merger or withdrawal.

GIVEN UNDER MY HAND AND  
SEAL OF OFFICE in the City of  
Austin, this 23rd day of  
January, 2002 A.D.

A handwritten signature in cursive script that reads "Carole Keeton Rylander".

CAROLE KEETON RYLANDER  
Comptroller of Public Accounts

Taxpayer number: 17422530356  
File number: 0063882700

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Carole Keeton Rylander  
Texas Comptroller of Public Accounts

[Texas Taxes / Certification of Account Status](#)

## Franchise Tax Certification of Account Status

Return to: [New Corporation Search](#) | [Corporation Search Results](#)

Certificates for filing with the Secretary of State to dissolve, merge, withdraw, or convert are not available through this Web site at this time.

[Certificate of Account Status](#)

[Officers And Directors Information](#)

Company Information	<b>TURBINE CHROME SERVICES INC</b> 7419 AVENUE O HOUSTON, TX 77011-1715
Status	<b>IN GOOD STANDING NOT FOR DISSOLUTION OR WITHDRAWAL THROUGH MAY 15, 2002</b>
Registered Agent	CULBERSON A PARRISH 7419 AVE. O HOUSTON, TX 77011
Registered Agent Resignation Date	
State of Incorporation	TX
File Number	0063882700
Charter/COA Date	January 12, 1983
Charter/COA Type	CHARTER
Taxpayer Number	17422530356

ca-003(Rev. 09-06-99)

For help, see [Detailed Instructions](#).

Should you require assistance concerning the corporate information presented, please

[Window](#)[Search](#)[Site Map](#)[What's New](#)[Contact Us](#)

Carole Keeton Rylander  
Texas Comptroller of Public Accounts

---

[Texas Taxes / Certification of Account Status](#)

## Officers and Directors:

### TURBINE CHROME SERVICES INC

Officer and director information displayed on this screen is maintained by the Texas Secretary of State. This website is updated as changes are received from the Secretary of State. For a copy of a Public Information Report, please send an email to [open.records@cpa.state.tx.us](mailto:open.records@cpa.state.tx.us). The regular mailing address is Comptroller of Public Accounts, Open Government Division, P.O.Box 13528, Austin, Texas 78711.

---

Return to: [New Corporation Search](#) | [Corporation Search Results](#) | [Return to Details](#)

Title	Name and Address	Expiration / Resignation Date
P	<b>PARRISH, CULBERSON A</b> 7419 AVENUE O HOUSTON, TX 77011	

ca-004(Rev. 09-06-99)

For help, see [Detailed Instructions](#).

Should you require assistance concerning the corporate information presented or any other taxability issue, please contact [tax.help@cpa.state.tx.us](mailto:tax.help@cpa.state.tx.us).

---

[Carole Keeton Rylander](#) - Texas Comptroller of Public Accounts

[Window on State Government](#).

6205/41(E)

7399/52

DEFENDANT: TURBINE CHROME SERVICES, Inc.  
ADDRESS: 7419 AVENUE O HOUSTON, TX 77011-1715

REGISTERED AGENT: CULBERTSON A. PARAKISH  
7419 AVENUE O HOUSTON, TX 77011

OFFENSE DATE: FEB. 8, 1999 & FEB. 10, 1999  
AGENCY: HPD/EIU

ALLEGATION: **Hazardous Waste** (Unlawful Storage/Disposal-NO PERMIT)  
[§7.162(a)(2) Texas Water Code]  
PENALTY: Individual -- 10 YEARS/\$1,000-\$50,000  
Corporation -- \$1,000-\$250,000

intentionally ~~and~~ <sup>OR</sup> knowingly (a) \_\_\_\_\_,  
~~and~~ <sup>OR</sup> cause to be (b) \_\_\_\_\_,  
a hazardous waste, namely, (c) \_\_\_\_\_,  
without all permits required by the appropriate regulatory agency, namely, the Texas  
Natural Resource Conservation Commission.

FILL-INS: <sup>OR</sup>  
(a) store, process, export, dispose of (choose one or more)  
(b) stored, processed, exported, disposed of (choose one or more)  
(c) describe hazardous waste A SOLID WASTE EXHIBITING THE TOXICITY  
CHARACTERISTIC FOR CHROMIUM

CASE FILED: \_\_\_\_\_, 20\_\_\_\_  
Cause Number \_\_\_\_\_ District Court No. \_\_\_\_\_  
SERVICE OF PROCESS: \_\_\_\_\_ SETTING DATE: \_\_\_\_\_

WITNESSES:  
1. \_\_\_\_\_ (Complainant)  
2. \_\_\_\_\_ (Field Investigator)  
3. \_\_\_\_\_ (Laboratory)

THE STATE OF TEXAS  
VS.

**TURBINE CHROME SERVICES, INC.**  
7419 AVENUE O  
HOUSTON, TEXAS 77011-1715

SPN: **01907074**  
DOB:  
DATE PREPARED: 01/22/02

D.A. LOG NUMBER: **550651**  
CJIS TRACKING NO.:

BY: JN DA NO: **0270**  
AGENCY: **HPD/EIU**  
O/R NO: **178349995**  
ARREST DATE: **SUMMONS**

NCIC CODE: **7399/52**

RELATED CASES: **CULBERSON ALFRED PARRISH**

FELONY CHARGE: **HAZARDOUS WASTE**  
CAUSE NO: **0900528**  
HARRIS COUNTY DISTRICT COURT NO: **179**  
FIRST SETTING DATE:

BAIL: **NONE/SUMMONS**  
PRIOR CAUSE NO:

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **TURBINE CHROME SERVICES, INC.**, hereafter styled the Defendant, on or about **FEBRUARY 10, 1999**, did then and there unlawfully, intentionally or knowingly store ~~or dispose of~~, or cause to be stored ~~or disposed of~~, a hazardous waste, namely, **a solid waste exhibiting the toxicity characteristic for chromium**, without all permits required by the appropriate regulatory agency, namely, the Texas Natural Resource Conservation Commission.

*STATE ABANDONED DISPOSAL ALLEGATIONS - 6/27/03*

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

183<sup>rd</sup> FOREMAN  
*Johnny E. Neely*  
FOREMAN OF THE GRAND JURY

**INDICTMENT (STATE'S COPY)**

THE STATE OF TEXAS § IN THE \_\_\_\_\_ DISTRICT COURT

COUNTY OF HARRIS § OF HARRIS COUNTY, TEXAS

The State of Texas: § To: **TURBINE CHROME SERVICES, INC.**  
By serving its registered agent:

**CULBERSON A. PARRISH  
7419 AVENUE O  
HOUSTON, TEXAS 77011**

GREETINGS:

You are hereby commanded to appear in the District Court at Law No. \_\_\_\_ of Harris County, in the Courthouse in the City of Houston, Texas, at or before ten o'clock a.m. on the Monday following the expiration of 20 days after the date this summons is served upon you, then and there to answer the State of Texas on a charge of **HAZARDOUS WASTE**, charged in the accompanying certified copy of the information, which was filed in said Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, numbered \_\_\_\_\_ and styled The State of Texas vs. **TURBINE CHROME SERVICES, INC.** on the docket of said Court.

TO OFFICER SERVING:

Herein fail not but of this writ make due return showing how and when you executed the same. Issued \_\_\_\_\_, 20\_\_.

WITNESS: CHARLES BACARISSE, Clerk of said Court, and seal thereof at office in the City of Houston, Texas this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

By \_\_\_\_\_  
Deputy

(F)

6205/00

DEFENDANT: TURBINE CHROME SERVICES, INC.

ADDRESS: \_\_\_\_\_

REGISTERED AGENT: \_\_\_\_\_

OFFENSE DATE: FEB. 10, 1999

AGENCY: HPD/EIU

ALLEGATION: Used Oil Act Violation, Texas Water Code §7.176(a)(2).  
NCIC CODE 6205/00

(FELONY OFFENSE: \$1000 TO \$50,000/UP TO FIVE YEARS IMPRISONMENT)

knowingly and directly dispose of used oil on land located near 7419 AVENUE O.

CASE FILED: \_\_\_\_\_, 20\_\_

Cause Number \_\_\_\_\_, \_\_\_\_\_ District Court

SERVICE OF PROCESS: \_\_\_\_\_ SETTING DATE: \_\_\_\_\_

WITNESSES:

1. \_\_\_\_\_ (Field investigator)
2. \_\_\_\_\_ (Laboratory)
3. \_\_\_\_\_

THE STATE OF TEXAS  
VS.

D.A. LOG NUMBER: 550651  
CJIS TRACKING NO.:

**TURBINE CHROME SERVICES, INC.**  
7419 AVENUE O  
HOUSTON, TEXAS 77011-1715

SPN: ~~01907074~~ **01907074**  
DOB:  
DATE PREPARED: 01/22/02

BY: JN DA NO: 0270  
AGENCY: HPD/EIU  
O/R NO: 178349995  
ARREST DATE: SUMMONS

NCIC CODE: 6205/00

RELATED CASES: CULBERSON ALFRED PARRISH

FELONY CHARGE: USED OIL ACT VIOLATION  
CAUSE NO: 0900529  
HARRIS COUNTY DISTRICT COURT NO: 179  
FIRST SETTING DATE:

BAIL: NONE/SUMMONS  
PRIOR CAUSE NO:

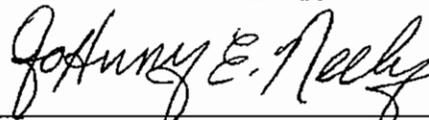
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**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **TURBINE CHROME SERVICES, INC.**, hereafter styled the Defendant, on or about **FEBRUARY 10, 1999**, did then and there unlawfully, knowingly and directly dispose of used oil on land near **7419 Avenue O**.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

183<sup>rd</sup> FOREMAN



FOREMAN OF THE GRAND JURY

**INDICTMENT (STATE'S COPY)**

THE STATE OF TEXAS § IN THE \_\_\_\_\_ DISTRICT COURT

COUNTY OF HARRIS § OF HARRIS COUNTY, TEXAS

The State of Texas: § To: **TURBINE CHROME SERVICES, INC.**  
By serving its registered agent:

**CULBERSON A. PARRISH**  
**7419 AVENUE O**  
**HOUSTON, TEXAS 77011**

GREETINGS:

You are hereby commanded to appear in the District Court at Law No. \_\_\_\_ of Harris County, in the Courthouse in the City of Houston, Texas, at or before ten o'clock a.m. on the Monday following the expiration of 20 days after the date this summons is served upon you, then and there to answer the State of Texas on a charge of **USED OIL ACT VIOLATION**, charged in the accompanying certified copy of the information, which was filed in said Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, numbered \_\_\_\_\_ and styled The State of Texas vs. **TURBINE CHROME SERVICES, INC.** on the docket of said Court.

TO OFFICER SERVING:

Herein fail not but of this writ make due return showing how and when you executed the same. Issued \_\_\_\_\_, 20\_\_.

WITNESS: CHARLES BACARISSE, Clerk of said Court, and seal thereof at office in the City of Houston, Texas this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

By \_\_\_\_\_

Deputy

(F)  
\$5,000.00  
BOND

DEFENDANT: CULBERTSON ALFRED PARISH  
ADDRESS: RT. 2, BOX 283 / HWY 290 HEMPHREAD, TX 77445

REGISTERED AGENT: \_\_\_\_\_

OFFENSE DATE: ① FEB. 8, 1999 & ② FEB. 10, 1999  
AGENCY: HDD/EIU

ALLEGATION: **Hazardous Waste** (Unlawful Storage/Disposal-NO PERMIT)  
[\$7.162(a)(2) Texas Water Code]  
PENALTY: Individual -- 10 YEARS/\$1,000-\$50,000  
Corporation -- \$1,000-\$250,000

~~intentionally and~~ <sup>OR</sup> knowingly (a) \_\_\_\_\_,  
~~caused~~ cause to be (b) \_\_\_\_\_,  
a hazardous waste, namely, (c) \_\_\_\_\_,  
without all permits required by the appropriate regulatory agency, namely, the Texas  
Natural Resource Conservation Commission.

FILL-INS:  
(a) <sup>OR</sup> store, process, export, dispose of (choose one or more)  
(b) stored <sup>OR</sup> processed, exported, disposed of (choose one or more)  
(c) describe hazardous waste A SOLID WASTE EXHIBITING THE TOXICITY CHARACTERISTIC FOR CHROMIUM

CASE FILED: \_\_\_\_\_, 20\_\_  
Cause Number \_\_\_\_\_ District Court No. \_\_\_\_\_

SERVICE OF PROCESS: \_\_\_\_\_ SETTING DATE: \_\_\_\_\_

WITNESSES:  
1. \_\_\_\_\_ (Complainant)  
2. \_\_\_\_\_ (Field Investigator)  
3. \_\_\_\_\_ (Laboratory)

(#)  
\$5,000.00  
Bald

DEFENDANT: CULPERSON, ALFRED PAROLISH

ADDRESS: \_\_\_\_\_

REGISTERED AGENT: \_\_\_\_\_

OFFENSE DATE: FEB. 10, 1999

AGENCY: HTX/EIU

ALLEGATION: Used Oil Act Violation, Texas Water Code §7.176(a)(2).  
NCIC CODE 6205/00

(FELONY OFFENSE: \$1000 TO \$50,000/UP TO FIVE YEARS IMPRISONMENT)

knowingly and directly dispose of used oil on land located near 7419 AVENUE O.

CASE FILED: \_\_\_\_\_, 20\_\_

Cause Number \_\_\_\_\_, \_\_\_\_\_ District Court

SERVICE OF PROCESS: \_\_\_\_\_ SETTING DATE: \_\_\_\_\_

WITNESSES:

1. \_\_\_\_\_ (Field investigator)
2. \_\_\_\_\_ (Laboratory)
3. \_\_\_\_\_

THE STATE OF TEXAS  
VS.

CULBERSON ALFRED PARRISH  
RT.2 BOX 283/HWY 290  
HEMPSTEAD, TEXAS 77445

SPN: **01907076**  
DOB: WM/01/06/37  
DATE PREPARED: 01/22/02

D.A. LOG NUMBER: 550695  
CJIS TRACKING NO.:  
BY: JN DA NO: 0270  
AGENCY: HPD/EIU  
O/R NO: 178349995  
ARREST DATE: TO BE

NCIC CODE: 7399/52

RELATED CASES: **TURBINE CHROME SERVICES, INC.**

FELONY CHARGE: **HAZARDOUS WASTE**  
CAUSE NO: **0900531**

HARRIS COUNTY DISTRICT COURT NO: **179**  
FIRST SETTING DATE:

BAIL: \$5,000.00  
PRIOR CAUSE NO:

---

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **CULBERSON ALFRED PARRISH**, hereafter styled the Defendant, on or about **FEBRUARY 10, 1999**, did then and there unlawfully, intentionally or knowingly store ~~or dispose of~~, or cause to be stored ~~or disposed of~~, a hazardous waste, namely, a **solid waste exhibiting the toxicity characteristic for chromium**, without all permits required by the appropriate regulatory agency, namely, the Texas Natural Resource Conservation Commission.

STATE ABANDONED DISPOSAL ALLEGATIONS. 6/27/03

AGAINST THE PEACE AND DIGNITY OF THE STATE.

183rd FOREMAN  
*Johnny E. Neely*  
FOREMAN OF THE GRAND JURY

INDICTMENT (STATE'S COPY)

THE STATE OF TEXAS  
VS.

CULBERSON ALFRED PARRISH  
RT. 2, BOX 283/ HWY 290  
HEMPSTEAD, TEXAS 77445

SPN: **01907076**  
DOB: WM/01/06/37  
DATE PREPARED: 01/22/01

D.A. LOG NUMBER: **550695**  
CJIS TRACKING NO.:  
BY: JN DA NO: **0270**  
AGENCY: **HPD/EIU**  
O/R NO: **178349995**  
ARREST DATE: **TO BE**

NCIC CODE: **6205/00**

RELATED CASES: **TURBINE CHROME SERVICES, INC.**

FELONY CHARGE: **USE OIL ACT VIOLATION**  
CAUSE NO: **0900532**  
HARRIS COUNTY DISTRICT COURT NO: **179**  
FIRST SETTING DATE:

BAIL: **\$5,000.00**  
PRIOR CAUSE NO:

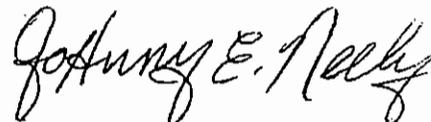
---

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **CULBERSON ALFRED PARRISH**, hereafter styled the Defendant, on or about **FEBRUARY 10, 1999**, did then and there unlawfully, knowingly and directly dispose of used oil on land located near **7419 Avenue O**.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

183<sup>rd</sup> FOREMAN



---

FOREMAN OF THE GRAND JURY

INDICTMENT (STATE'S COPY)

ORIGINAL INFORMATION REPORT NON-PUBLIC

HOUSTON POLICE DEPARTMENT  
OFFENSE REPORT

PAGE 1.001

Incident no. 017834999 K

SUPPLEMENT(S)

40-0002

Offense- ENVIRONMENTAL INVESTIGATION

Street location information

Number- 7419 Name-AVE D Type- Suffix-  
 Apt no- Name-DEAD END Type- Suffix-  
 Date of offense-02/08/99 Date of supplement-01/31/02  
 Compl(s) Last-THE STATE OF TE First-XAS Middle-  
 Last-

Recovered stolen vehicles information

Stored- by- Ph#- (000) 000-0000  
 Officer- M.S. WALSH Emp#-005064 Shift-1 Div/Station-MOD/EIU

SUPPLEMENT NARRATIVE

THIS IS AN ENVIRONMENTAL INVESTIGATION WHERE THE EVIDENCE WAS PRESENTED TO A HARRIS COUNTY GRAND JURY WHO RETURNED SIX (6) FELONY INDICTMENTS AGAINST THE LISTED SUSPECTS. WALSH SPOKE WITH HARRIS COUNTY ASSISTANT DISTRICT ATTORNEY ROGER HASEMAN WHO INFORMED WALSH OF THE OUTSTANDING WARRANTS.

ON JANUARY 28, 2001 @ APPROX. 1030 HRS WALSH WENT TO THE SUSPECTS WORK ADDRESS AND ARRESTED THE SUSPECT (CULBERSON PARRISH) WITHOUT INCIDENT. HPD OFC GAMEZ (11H17D) TRANSPORTED THE SUSPECT TO THE CITY JAIL LOCATED AT 61 RIESNER. GAMEZ ENTERED THE 24 HR HOLD. WALSH INTERVIEWED THE SUSPECT, READ HIM HIS TEXAS STATUTORY LEGAL WARNING, WHICH HE WAIVED AND MADE A WRITTEN STATEMENT. PARRISH BASICALLY ADMITTED TO THE USED OIL THAT WAS FOUND ON THE FACILITIES PROPERTY BUT AGAIN DENIED ANY CONNECTION TO THE CHROME SOLUTION THAT WAS FOUND ONLY A FEW FT FROM HIS FACILITY. WHILE STILL AT THE FACILITY WALSH HAD ASKED PERMISSION TO TAKE SOME PICTURES OF THE "DOOR" NEAR THE CHROME VATS THAT LEAD OUT TO THE DITCH WHERE THE CHROME SOLUTION WAS DUMPED. BOTH MR. & MRS. PARRISH GAVE WALSH PERMISSION TO ENTER THE PROPERTY & TAKE THE PHOTOGRAPHS. MRS. PARRISH EVEN WALKED BACK TO THE LOCATION WITH WALSH & STAYED WITH WALSH WHILE HE TOOK THE PICTURES.

THE PHOTOS & STATEMENT ALONG WITH THIS SUPPLEMENT WERE FORWARDED TO THE D.A.'S OFFICE TO BE PLACED WITH THE ORIGINAL CASE FILE. THIS CASE WILL BE CLOSED SHOWING REPORT/CHARGES/ARREST. IT NEEDS TO BE NOTED THAT THE CITY OF HOUSTON HAS SPENT OVER ONE HUNDRED THOUSAND DOLLARS IN INVESTIGATING THIS CASE AND CLEAN UP.

CASE DISPOSITION (MARK ONLY ONE CATEGORY) ANY SUSPECTS MUST BE LISTED ON PAGE 9  
 [ ] ARRESTED AND CHARGED IN THIS CASE (INCLUDES JUVENILES ARRESTED AND REFERRED)  
 [ ] ARRESTED AND CHARGED IN OTHER CASES (BUT NOT THIS CASE)  
 EXCEPTIONAL CLEARANCES --- MUST HAVE THE FOLLOWING CONDITIONS IN NARRATIVE:  
 IDENTITY OF OFFENDER IS ESTABLISHED, AND ENOUGH INFORMATION EXISTS TO  
 SUPPORT AN ARREST, CHARGE, AND PROSECUTION, AND EXACT LOCATION OF THE  
 OFFENDER IS KNOWN, AND THERE IS SOME REASON BEYOND LAW ENFORCEMENT CONTROL

#####

Incident no. 017834999 K OFFENSE REPORT PAGE 1.002

#####

THAT PROHIBITS THE ARREST AND/OR CHARGING OF THE OFFENDER (MARK ONLY ONE).

- LACK OF PROSECUTION BY BY D. A. FOR NON-EVIDENTIARY REASON
- LACK OF PROSECUTION BY COMPLAINANT  ORAL CONFESSION WITH MINIMAL EVIDENCE
- MINOR OFFENSE (JUVENILE ONLY)  DEATH OF DEFENDANT
- OTHER

-----  
 UNFOUNDED  INACTIVE  CLEARED BY INVESTIGATION (INVESTIGATION CASES ONLY)

CASE OPEN AND ACTIVE INVESTIGATION CONTINUING

Supplement entered by = 85864

Date JAN 28, 2002

Time 1230

Statement of <sup>AL</sup> CULBERSON PARRISH  
taken in Harris County, Texas.

Prior to making this statement I have been warned by: SGT MICHAEL WALSH  
the person to whom this statement is made, that:

- alt 1. I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial.
- alt 2. Any statement I make may be used as evidence against me at court.
- alt 3. I have the right to have a lawyer present to advise me prior to and during any questioning.
- alt 4. If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and:
- alt 5. I have the right to terminate the interview at any time.

Prior to and during the making of the statement I knowingly, intelligently and voluntarily waive the rights set out above and make the following voluntary statement:

X CHROME SOLUTION WAS FOUND IN DITCH  
BEHIND MY APARTY ON OR ABOUT 2-10-99  
THE CHROME SOLUTION THAT WAS FOUND IN  
DITCH WAS NOT PUT THERE BY ME  
OR ANY OF MY EMPLOYEES - ON MY  
KNOWLEDGE OR BY MY INSTRUCTIONS.  
I WOULD NOT DO DITCH + THING EVER.

THE OIL THAT WAS FOUND ON GROUND WE  
DID THIS BY MISTAKE - MY EMPLOYEES  
WERE IN-PROPER DIRECTION

ALL PROBLEMS AS BEEN CLEAN UP

X William A. Davis  
Signature of Person Making Statement

M. Nelson 82805  
Witness

L 85864  
Witness

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
TURBINE CHROME SERVICES, INC.	)	179th JUDICIAL DISTRICT

MOTION FOR DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant in the above-entitled and numbered causes, by and through his attorney of record, and, under the authority of Article 39.14 of the Texas Code of Criminal Procedure, and Article I, Section 10 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America, makes this Motion for Discovery and moves the Court to Order the State, by and through its prosecuting attorney, to produce the items designated below and permit the Defendant to inspect, copy, photograph, and/or conduct chemical or analytical tests on such items, including:

I.

1. Any and all written and recorded statements, or confessions made by the Defendant to investigating officers or to representatives or agents of the State of Texas within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to any attorney for the prosecution.
2. All tangible evidence recovered during the course of the investigation resulting in the arrest of the Defendant.
3. Statements of any and all witnesses to be called by the prosecution in the trial of this case,
4. A list of names and addresses of the witnesses to be called by the prosecution in the instant case.
5. All photographs, diagrams, videotapes and other physical evidence not privileged as the work product of the prosecution, obtained during the investigation which resulted in the instant charge and the arrest of the Defendant.

6. All lab reports, fingerprint analysis and results of all scientific tests performed during the investigation of the instant case.
7. Any and all “Brady material” and evidence favorable to the Defendant within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known to any attorney for the prosecution, including any such information in the possession of or known to representatives or agents of peace officers involved in the investigation related to the charges now pending.
8. All pen packets, judgments, sentences or other documentation of the prior criminal record of any witness to be called as a witness by the prosecution during the trial of the above cause.
9. All evidence of the criminal record of the witnesses to be called by the State which are admissible to impeach the credibility of said witnesses.
10. Notice of any and all extraneous offenses alleged to have been committed by the Defendant which the State may raise during the trial of the instant causes, including the date, time, location and names of witnesses to the alleged offenses.

## II.

In support of this Motion for Discovery, the Defendant would show:

- (A) The items requested are in the exclusive possession, custody or control of the State of Texas or the United States Government by and through its agents, the police, or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosure requested.
- (B) The items requested are not privileged.
- (C) The items or information are material to this cause and the issues to be determined.
- (D) The Defendant cannot safely go to trial without such information or inspection, nor can the Defendant adequately prepare a defense to the charge against him.

Defendant further moves that a hearing be set by this Honorable Court in order that the Defendant may receive effective assistance of counsel as guaranteed to the Defendant by the Sixth Amendment to the Constitution of the United States, and that such hearing be conducted well enough in advance of trial on the merits that such discovery will be beneficial to the Defendant and Defendant's counsel in preparing the defense of this case.

P R A Y E R

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion be, in all things, GRANTED that the Court designate a date and time for the production of the evidence designated herein and that the Defendant have such further relief to which the Court may consider Defendant entitled.

Respectfully submitted,



John S. Cossum  
State Bar No. 04854500  
440 Louisiana, Suite 900  
Houston, Texas 77002  
Telephone: (713) 222-6134  
Facsimile: (713) 222-6144

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been delivered to the District Attorney's office by delivering same to an Assistant District Attorney for Harris County assigned to the above case on this 17th day of September, 2002.



JOHN S. COSSUM

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
TURBINE CHROME SERVICES, INC.	)	179th JUDICIAL DISTRICT

ORDER

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2002, came on to be considered Defendant's Motion for Discovery in the above-referenced cause and the Court, having considered same, is of the opinion same should be GRANTED subject to any terms and conditions indicated by notations thereon with regard to Request Nos. \_\_\_\_\_ and DENIED with respect to Request Nos. \_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
	)	
TURBINE CHROME SERVICES, INC.	)	179th JUDICIAL DISTRICT

**MOTION TO SUPPRESS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, TURBINE CHROME SERVICES, INC., Defendant, by and through his attorney of record, John S. Cossum, and hereby requests this honorable Court consider the merits of this motion and in turn grant this motion based upon the following grounds:

**I**

Defendant is charged with three indictments alleging discharge of hazardous wastes and oil. The charges are based primarily on evidence seized during the execution of a search warrant issued on or about the 9<sup>th</sup> day of February, 1999, for a business located at 7419 Avenue O, Houston, Texas. Copies of the search warrant and affidavit made the basis for the issuance of said attached to this motion.

**II**

Defendant contends that the affidavit on its face is insufficient to permit an independent magistrate to draw the necessary conclusion that the information received from the informant referenced in the affidavit is a reliable source. Further, Defendant contends that there is an insufficient factual basis, based on the affidavit, to permit an independent magistrate to find on the face of the affidavit that there existed probable cause for the issuance of same.

III

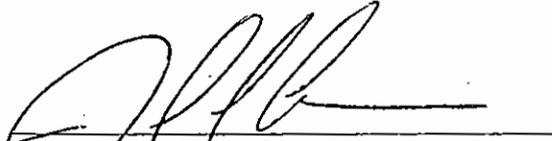
Defendant further contends that the affidavit forming the basis of the search warrant appears not to have been properly signed by the affiant.

IV

This motion is made pursuant to Article 1, Section 9 of the Constitution of the State of Texas, as well as the Fourth and Fourteenth Amendments to the Constitution of the United States.

**WHEREFORE, PREMISES CONSIDERED,** Defendant requests this Court to find the affidavit for search warrant attached hereto is insufficient to support the issuance of the search warrant for the business located at 7419 Avenue O, Houston, Texas, and, in turn, to suppress all evidence taken from the business pursuant to the invalid search warrant.

Respectfully submitted,



JOHN S. COSSUM  
TSB #04854500  
440 Louisiana, Suite 900  
Houston, TX 77002  
(713) 222-6134  
Fax: (713) 222-6144  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been delivered to the District Attorney's office by delivering same to an Assistant District Attorney for Harris County assigned to the above case on this 17th day of September, 2002.

  
JOHN S. COSSUM

THE STATE OF TEXAS

COUNTY OF HARRIS

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER OF HARRIS COUNTY TEXAS

GREETINGS:

WHEREAS, Complaint in writing, under oath, has been made before me by MICHAEL WALSH, a peace officer employed by THE CITY OF HOUSTON, MAJOR OFFENDERS DIVISION, ENVIRONMENTAL INVESTIGATIONS UNIT, which complaint is attached hereto and expressly made a part hereof for all purposes and said complaint having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

YOU ARE THEREFORE COMMANDED to forthwith search the place therein named, to wit: 7419 Avenue O, Harris County, Texas, with the authority to search for and to seize any and all RECORDS AND DOCUMENTS, IN WHATEVER FORM THEY MAY APPEAR (WHETHER THE EVIDENCE BE IN WRITTEN FORM OR ON COMPUTER MEMORY OR ELECTRONIC DISC/DISK) AND ANY OTHER TANGIBLE OBJECTS, INCLUDING SAMPLES, that may be found therein including, but not limited to:

Any and all computer records, documents, memoranda, notes, correspondences, photographs, contracts, job proposals, bids, reports, letters, recordings, files, lists of jobs, forms, laboratory analytical reports, material safety data sheets, trip tickets, shipping and/or transporter manifests, shipping and/or transporter papers, bills of lading, invoices, receipts, receipt books, and documents related to the maintenance and/or filing of records with the Texas Natural Resource Conservation Commission (TNRCC), the City of Houston, or any other government agency concerning the business of Turbine, including any records concerning the amount of product purchased and/or received each month for the company to operate its business.

Any and all computer records, records, documents, memoranda, notes, correspondence, photographs, reports, training reports, government forms, TNRCC, Texas Water Commission (TWC, a predecessor agency to the TNRCC), City of Houston, Harris County Pollution Control, and Environmental Protection Agency forms, certificates of training, certificates of training and certificates of registration relating to environmental statutes and regulatory compliance, logs, books, journals, files, records, notes, recordings, and any other documents related to information

concerning the knowledge of Turbine's employees and personnel regarding the laws governing its business and, specifically, the handling and procedures for proper transportation, storage and disposal of industrial and/or hazardous waste generated by the business process.

Any and all computer records, books, notes, lists, and other documents and records indicating the names, addresses, and telephone numbers of all Turbine employees, to include documents which contain job descriptions or other information defining the nature and scope of each employee's responsibility while working for Turbine and records which show time and attendance of said employees, including time cards, payroll documents, or other such records, reflecting employment history.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, sales orders, and any other records and documents indicating the names and addresses of Turbine's customers and Turbine's sales to those customers.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, purchase orders, and any other records and documents indicating the names and addresses of Turbine's suppliers and vendors and Turbine's purchase from those suppliers and vendors.

Invoices, receipts, checks, bills, written instructions, plans, drawings, diagrams, and any other document and records related to the design, construction, and maintenance of the facility used to transport, handle, store or dispose of chemicals, industrial wastes and/or hazardous wastes.

Personal property of individuals that could contain records, documents, or personal notes that would indicate knowledge or evidence of a crime to include but not be limited to briefcases, daily planners or schedule planners and vehicles.

Any and all sample jars and/or equipment used or intended to be used by Turbine and its employees to sample and analyze any waste streams, whether they be solid or liquid, or industrial or hazardous waste, generated by its business processes, prior to the transportation and disposal of said waste streams, including records reflecting the amount of waste material generated by the business on a monthly and yearly basis, as well as transporter, disposer, and storage information concerning these waste materials.

Any and all material or samples of such material believed to be product, industrial waste or hazardous waste anywhere on the premises of Turbine whether said product or waste be on the ground, in a container, in a vehicle, in a building, or anywhere else on the premises, including the seizure or sampling of the contents of any 55-gallon drums or similar containers, storm drains, drainage ditches, sanitary sewer lines, or any other location on the premises where industrial or hazardous waste may be discharged into the environment.

HEREIN FAIL NOT and due return make hereof.

WITNESS MY SIGNATURE on this the 9 day of February  
A.D. 1994 at 4:02 O'clock, P.M.

MAGISTRATE

Quinn Collins  
JUDGE

208 District Court of  
Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT FOR SEARCH WARRANT

I, MICHAEL WALSH, a Police Officer employed as a Sergeant by the City of Houston Police Department, Major Offenders Division, Environmental Investigations Unit, do swear that I have reason to believe and do believe that evidence of a criminal offense(s) exists at Turbine Chrome Services Inc., hereinafter Turbine, a business located at 7419 Avenue O, Houston, Harris County, Texas.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

LOCATION, DESCRIPTION AND LAYOUT OF PROPERTY

Said location is more particularly described as a commercial establishment named Turbine Chrome Services Inc., with an address of 7419 Avenue O located in Houston, Harris County, Texas. The location is on a dead-end street. The business can be found by traveling on I-10 east to the North Wayside Dr. exit, thence to Navigation Blvd., thence to 75<sup>th</sup> St., thence to Avenue O.

The business consists of approximately seven metal buildings, all of which are silver in color. From Avenue O, a business sign can be seen which is cream in color with brown lettering reading, "Turbine Chrome Services, Inc.", and bold lettering which reads "ROTATING EQUIPMENT", and red numbers and lettering which read "(713) 921-2277 24 HOUR SERVICE", and in black lettering the address "7419 AVENUE O, HOUSTON, TEXAS 77011". Surrounding the entire facility is a chain-linked fence, topped with barbed wire. To the north of the facility is a drainage ditch and just north of the drainage ditch are railroad tracks.

FACTS

On February 5, 1999, Joe Bosques, a City of Houston Environmental Quality Specialist III, who is currently assigned to Health and Human Services, informed Affiant that he had received information from a person who requested to remain anonymous, that Turbine located on Avenue O had been discharging their hazardous waste into the easement. Later that day, Affiant and Joe Bosques went to the location mentioned above and observed what appeared to be a high level of Chromium that had been discharged from the easement into the drainage ditch. Affiant observed that the distance from the discharge to Turbine's fence to be approximately seven feet.

On February 8, 1999, at approximately 10:20 a.m., Affiant and Bosques went back to the location where they observed the discharge of what they believed to be Chromium and obtained a water sample from the drainage ditch where the discharge had flowed from the easement into the drainage ditch. A field test was performed on the sample to determine the pH. A litmus paper test results showed a pH of between 2 and 3. The Environmental Protection Agency (EPA) has determined that if the pH is below 2 then it is determined to be a hazardous waste by corrosivity. The sample was taken to the City of Houston's environmental contractor, Eagle Construction and Environmental Services Inc. Eagle Construction and Environmental Services Inc. took the sample to A&B Environmental Services Laboratory for analysis.

On February 9, 1999, at approximately 8:30 a.m., Affiant was notified of the results of the analysis. The analysis showed the sample had elevated levels of Chromium, with a total level of 7,440 parts per million (ppm). The sample was further analyzed to indicate that the sample had 6,710 ppm of Hexavalent Chromium, an even more toxic and hazardous form of Chromium. Because of this high number, further testing was performed using the Toxicity Characteristic Leachate Procedure (TCLP). The TCLP analysis revealed a level of Chromium of 6520 ppm. According to the EPA standards, Chromium is considered hazardous waste if the TCLP analysis reveals a level of 5.0 ppm or more. Therefore, the amount of Chromium found in the surface water sampled was over 1300 times greater than the hazardous waste limit.

It is a misdemeanor criminal violation of Chapter 7.145 of the Texas Water Code for a person to intentionally or knowingly discharge or allow the discharge of a waste or pollutant into or adjacent to water in the state that cause or threatens to cause water pollution unless the waste or pollutant is discharged in strict compliance with all required permits or with an order issued or rule adopted by the appropriate regulatory agency.

It is a felony criminal violation of Chapter 7.162(a)(1) of the Texas Water Code for a person to intentionally or knowingly transport or cause or allow to be transported, for disposal, any hazardous waste to any location that is not a permitted disposal facility. It is a felony criminal violation of Chapter 7.162(a)(2) of the Texas Water Code for a person to intentionally or knowingly dispose of or cause to be disposed of, any hazardous waste without all required permits. It is a felony criminal violation of Chapter 7.162(a)(5) of the Texas Water Code for a person to intentionally or knowingly transport without a manifest or cause or allow to be transported without a manifest, any hazardous waste required to be accompanied by a manifest.

#### LOCATION OF EVIDENCE AND EVIDENCE SOUGHT

Evidence is believed to exist within the approximately seven metal buildings, out buildings, loading areas, and operation areas located on the premises described above and on the grounds of the subject property. Evidence is requested whether it

be in written form or on computer memory or electronic disc/disk. The evidence is believed to consist of:

Any and all computer records, records, documents, memoranda, notes, correspondences, photographs, contracts, job proposals, bids, reports, letters, recordings, files, lists of jobs, forms, laboratory analytical reports, material safety data sheets, trip tickets, shipping and/or transporter manifests, shipping and/or transporter papers, bills of lading, invoices, receipts, receipt books, and documents related to the maintenance and/or filing of records with the Texas Natural Resource Conservation Commission (TNRCC), the City of Houston, or any other government agency concerning the business of Turbine, including any records concerning the amount of product purchased and/or received each month for the company to operate its business.

Any and all computer records, documents, memoranda, notes, correspondences, photographs, reports, training reports, government forms, TNRCC, Texas Water Commission (TWC, a predecessor agency to the TNRCC), City of Houston, Harris County Pollution Control, and Environmental Protection Agency forms, certificates of training, certificates of training and certificates of registration relating to environmental statutes and regulatory compliance, logs, books, journals, files, records, notes, recordings, and any other documents related to information concerning the knowledge of Turbine's employees and personnel regarding the laws governing its business and, specifically, the handling and procedures for proper transportation, storage and disposal of industrial and/or hazardous waste generated by the business process.

Any and all computer records, books, notes, lists, and other documents and records indicating the names, addresses, and telephone numbers of all Turbine employees, to include documents which contain job descriptions or other information defining the nature and scope of each employee's responsibility while working for Turbine and records which show time and attendance of said employees, including time cards, payroll documents, or other such records, reflecting employment history.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, sales orders, and any other records and documents indicating the names and addresses of Turbine's customers and Turbine's sales to those customers.

Any and all computer records, log books, lists, receipts, contracts, notes, bills, billing information, purchase orders, and any other records and documents indicating the names and addresses of Turbine's suppliers and vendors and Turbine's purchase from those suppliers and vendors.

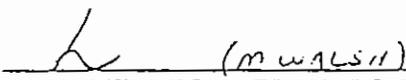
Invoices, receipts, checks, bills, written instructions, plans, drawings, diagrams, and any other document and records related to the design, construction, and maintenance of the facility used to transport, handle, store or dispose of chemicals, industrial wastes and/or hazardous wastes.

Personal property of individuals that could contain records, documents, or personal notes that would indicate knowledge or evidence of a crime to include but not be limited to briefcases, daily planners or schedule planners and vehicles.

Any and all sample jars and/or equipment used or intended to be used by Turbine and its employees to sample and analyze any waste streams, whether they be solid or liquid, or industrial or hazardous waste, generated by its business processes, prior to the transportation and disposal of said waste streams, including records reflecting the amount of waste material generated by the business on a monthly and yearly basis, as well as transporter, disposer, and storage information concerning these waste materials.

Any and all material or samples of such material believed to be product, industrial waste or hazardous waste anywhere on the premises of Turbine whether said product or waste be on the ground, in a container, in a vehicle, in a building, or anywhere else on the premises, including the seizure or sampling of the contents of any 55-gallon drums or similar containers, storm drains, drainage ditches, sanitary sewer lines, or any other location on the premises where industrial or hazardous waste may be discharged into the environment.

WHEREFORE, PREMISES CONSIDERED, your Affiant respectfully requests that a warrant issue authorizing your Affiant, along with peace officers of Harris County, Texas with authority to enter the place and premises described above in Harris County, Texas, with authority to search for, seize and/or inspect, photograph and video, excavate and sample any and all evidence that may be found therein, including but not limited to the items described above, as well as all of the documentation described above, whether they are in written form or in computer memory or on electronic disc/disk. Due to the nature and potential hazards of the evidence to be searched for and sampled, technical support personnel from several agencies including but not limited to the Houston Police Department Computer Crimes Unit, Houston Fire Department, City of Houston Environmental Health Department, Bureau of Air Quality Control and Occupational Health with the City of Houston, Public Health and Public Services with the City of Houston, City Contractors (Eagle Construction and Environmental Services) and the Environmental Protection Agency may be required to assist in the execution of this search warrant.

  
AFFIANT, MICHAEL WALSH

Sworn to and Subscribed before me on this the 9 day of January, 1999, A.D.

*David Collins*

JUDGE

*JCS*

District Court  
Harris County, Texas

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
	)	
TURBINE CHROME SERVICES, INC.	)	179th JUDICIAL DISTRICT

ORDER

On this the \_\_\_\_ day of \_\_\_\_\_, 2002, came on to be heard Defendant's Motion to Suppress, and the Court after considering same and hearing the evidence and argument of counsel is of the opinion that this motion should be in all things GRANTED; thus the Court finds that any and all evidence seized as a result of the execution of the search warrant issued on February 9, 1999 for the business located at 7419 Avenue O, Houston, Texas is hereby suppressed and shall not be used in any criminal prosecution against the Defendant.

SIGNED on this the \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
JUDGE PRESIDING

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
TURBINE CHROME SERVICES, INC.	)	179th JUDICIAL DISTRICT

MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above-entitled and numbered cause, and files this his Motion in Limine and for good cause moves the Court to order the prosecutor representing the State of Texas in the above-entitled and numbered cause and all witnesses called by the State to testify, to refrain from mentioning, suggesting or referring to during the trial through any question, answer, statement, objection, side bar remark or in any other manner, any of the following matters:

1. that the Defendant has committed any extraneous crimes or misconduct not alleged in the instant indictment;
2. that the Defendant has previously been convicted of any crimes;
3. the reputation of the Defendant in the community in which he resides or has resided;
4. the effect, if any, the criminal conduct alleged to have been committed by the Defendant has had on any person allegedly affected said conduct; or,
5. the fact that this Motion in Limine has been filed.

I.

Defendant prays that the prosecutor and the witnesses called by the prosecutor refrain from mentioning any said items before the jury without having first approached the Court out of the jury's hearing and obtaining a ruling from the Court that any such matters can be properly brought before the jury.

II.

Failure to grant this Motion in Limine would prejudice the Defendant by allowing the prosecutor to present to the jury facts and innuendo which are inadmissible and/or overly prejudicial to the Defendant and which would be immaterial and unnecessary to the disposition of this case, contrary to the Rules of Evidence recognized by the law of the State of Texas and would be allowing the State of Texas to get before the jury evidence that would be otherwise inadmissible.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court grant this Motion and order the attorney for the State of Texas and her witnesses to comply herewith, and further, should the prosecution contend at any time that the above-matters are admissible, that the prosecutor be ordered to first approach the Bench and make known the basis for such contention before irreparable harm is done by allusion thereto before the trier of fact.

Respectfully submitted,



JOHN S. COZZUM  
TSB #04854500  
440 Louisiana, Suite 900  
Houston, TX 77002  
(713) 222-6134  
Fax: (713) 222-6144  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been delivered to the District Attorney's office by delivering same to an Assistant District Attorney for Harris County assigned to the above case on this 17th day of September, 2002.

  
JOHN S. COZZUM

CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS ) IN THE DISTRICT COURT  
 )  
VS. ) HARRIS COUNTY, TEXAS  
 )  
TURBINE CHROME SERVICES, INC. ) 179th JUDICIAL DISTRICT

ORDER

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, came on to be heard, Defendant's Motion in Limine and the Court, after considering same, is of the opinion same should be GRANTED as to items \_\_\_\_\_.

It is therefore ORDERED that the prosecutor representing the State of Texas, and her witnesses, before mentioning, eliciting or suggesting in the presence of the jury or the jury venire any matters pertaining to item numbers \_\_\_\_\_ herein, obtain prior permission to do so by the Court in camera and/or outside the presence of the jury.

SIGNED and entered this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING



**WHEREFORE, PREMISES CONSIDERED,** the Defendant prays that this motion be in all things granted, that the State of Texas be ordered to disclose those persons or persons who may be called as expert witnesses in the trial of the above matter, that the Defendant be granted access to all data, documents and reports prepared by said persons, or reviewed by said persons, in forming the opinions about which they may testify.

Respectfully submitted,



JOHN S. COSSUM  
TSB #04854500  
440 Louisiana, Suite 900  
Houston, TX 77002  
(713) 222-6134  
Fax: (713) 222-6144

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Disclose Experts has been delivered to all parties in accordance with Rule 21 a of the Texas Rule of Civil Procedure on this the \_\_\_\_ day of January, 2003.

  
JOHN S. COSSUM



**NOS. 900527, 900528, AND 900529**

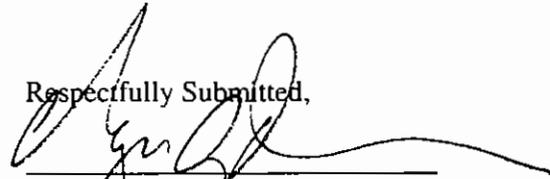
**THE STATE OF TEXAS                    §    IN THE 179<sup>TH</sup> DISTRICT COURT**  
**VS.    §    OF**  
**TURBINE CHROME SERVICES, §        HARRIS COUNTY, T E X A S**  
**INC.**

**MOTION TO DISCLOSE EXPERTS**

TO THE HONORABLE JUDGE WILKINSON:

Comes Now, the State of Texas, a party in the above captioned and numbered cause, by and through her undersigned Assistant District Attorney, Roger Haseman, and pursuant to Texas Code of Criminal Procedure, Art. 39.14(b), and after notice was given to John Cossum, the attorney for the Defendant herein, the State respectfully requests that the Court enter an order directing John Cossum to make disclosure to Roger Haseman on or before \_\_\_\_\_, a date which is at least twenty (20) days before the trial is scheduled to begin, of the name(s) and address(es) of each person who the Defendant and the attorney for the Defendant may use to present evidence pursuant to Texas Rules of Evidence 702, 703, and 705, at the trial in the above captioned and numbered cause. The State further requests, as required by Texas Code of Criminal Procedure, Art. 39.14(b), that said order specify a time, no later than the 20<sup>th</sup> day before the date the trial begins, for the Defendant and his attorney to make the disclosure to the State, and further that said order specify the manner in which the Defendant and his attorney must make said disclosure.

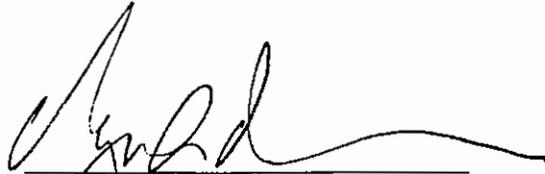
Respectfully Submitted,



Roger A. Haseman  
Assistant District Attorney  
Harris County, Texas  
1201 Franklin, 4<sup>th</sup> Floor  
Houston, Texas 77002  
(713) 755-5834  
(713) 755-8188(fax)

**CERTIFICATE OF SERVICE**

This is to certify that a copy of this Motion to Disclose Experts has been served upon the attorney for the Defendant by hand-delivering a copy of same to John Cossum, attorney for the Defendant, on September 17, 2002.



Roger A. Haseman  
Assistant District Attorney  
Harris County, Texas  
1201 Franklin, 4<sup>th</sup> Floor  
Houston, Texas 77002  
(713) 755-5834  
(713) 755-8188 (fax)



CAUSE NOS. 900527, 900528, 900529

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	HARRIS COUNTY, TEXAS
	)	
CHROME TURBINE	)	179th JUDICIAL DISTRICT

DESIGNATION OF EXPERT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-entitled and numbered cause, and as previously identified to the State of Texas, files this his Designation of Experts in the above case as follows:

Arthur Malone  
Chem Environmental Services, Inc.  
605 Oak Dr.  
Friendswood, TX 77546

The Defendant further reserves the right to question and cross examine any expert called by the State of Texas regarding the subject matter of their testimony and possible explanations or alternative explanations for any expert opinions offered by such witness.

Respectfully submitted,



JOHN S. COSSUM  
TSB #04854500  
440 Louisiana, Suite 275  
Houston, TX 77002  
(713) 222-6134  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been served on the District Attorney's office via telephonic document transfer to the Assistant District Attorney for Harris County assigned to the above case on this 3rd day of October, 2002.

  
\_\_\_\_\_  
JOHN S. COSSUM

NO. 900,528

THE STATE OF TEXAS                    §        IN THE 179TH DISTRICT COURT  
VS.    §    OF  
TURBINE CHROME                    §                    HARRIS COUNTY, TEXAS  
SERVICES, INC.

**FELONY PLEA OF GUILTY BY A CORPORATION**

COMES NOW THE DEFENDANT in this cause, **Turbine Chrome Services, Inc.**, a corporation registered with the Texas Secretary of State, appearing by counsel John S. Cossum, a licensed Texas attorney, pursuant to TEX.CODE CRIM.PROC. article 17A.07(a). Prior to entering a plea herein, the Defendant represents through counsel that:

1. The Defendant understands that it is charged with a felony **Hazardous Waste Storage** violation pursuant to Chapter 7.162(a)(2), Texas Water Code, for which the punishment is a fine of not less than \$1,000 or more than \$250,000.
2. The Defendant understands that it has the right to a jury trial, which includes the right to have punishment assessed by a jury; the right to compulsory process for obtaining witnesses in its favor; the right to confront and cross-examine witnesses against it; the right to be arraigned and have the charges against it read in open court; the right to ten full days after arraignment before the day trial begins; the right to appointed counsel if unable to afford counsel; and the right to have ten days after the appointment of any attorney before entering a plea.
3. The Defendant understands that upon a plea of guilty, with a waiver of trial by jury, punishment may be assessed by the Court upon the introduction of evidence of the Defendant's guilt by the State; that if the Defendant is found guilty, this case may be used as evidence in favor of higher punishment if the Defendant is later convicted of a subsequent offense; that the Court shall notify the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission) and the Attorney General of Texas in writing of this conviction when it becomes final and unappealable; and that if the Court does not exceed the agreed recommendation of the State in assessing punishment, then the Defendant's right to appeal its conviction will be limited to matters raised by written motion and ruled upon before trial unless the Court gives permission to raise other matters.

The undersigned attorney, John S. Cossum, acknowledges that he represents the Defendant, **Turbine Chrome Services, Inc.**, and that he has discussed the case with officials of the Defendant who have the authority to decide whether the Defendant should waive the aforesaid rights and enter a plea of guilty. With a full understanding of the aforesaid rights, the Defendant hereby knowingly and voluntarily waives: the arraignment and reading of the indictment; the ten-day period after arraignment before trial; the right of trial by jury; the right to confront and cross-examine witnesses against the Defendant; the right to compulsory process for obtaining witnesses in the Defendant's favor; the appointment of counsel; the ten-day waiting period for trial after appointment of counsel; and any further time to prepare for trial to which the Defendant or its counsel may be entitled.

In open court the Defendant freely and voluntarily enters a plea of guilty to the offense charged in the indictment, and stipulates that if the State's witnesses were present in court to testify, the testimony would embrace each and every element of the offense charged, which occurred on or about **FEBRUARY 10, 1999**. The Defendant consents to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements of witnesses, and other documentary evidence, and requests this Court to make immediate disposition of this cause, based on the Defendant's plea. Upon that plea, the Defendant understands that there is *no agreed recommendation* as to punishment in this case, but that the judge of this Court will determine the appropriate sentence in this cause. The Defendant agrees to enter this plea without an agreed recommendation as to punishment. The Defendant further waives any right of appeal it may have should the Court accept this plea of guilty.

The Defendant, through counsel, has read the foregoing matters and understands each and every one of them.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**TURBINE CHROME SERVICES, INC.**

Appearing through counsel

\_\_\_\_\_  
JOHN S. COSSUM, Texas Bar No. 04854500

\_\_\_\_\_  
CULBERSON A. PARRISH, President

I, the undersigned Assistant District Attorney for Harris County, Texas, approve of and consent to the Defendant's waiver of trial by jury and stipulation of evidence in this cause.

\_\_\_\_\_  
ROGER A. HASEMAN, Texas Bar No. 09197800

## **FINDINGS OF THE COURT**

This document was executed by the Defendant, through counsel, and the attorney representing the State, and then filed with the papers of the case. After the Court consulted with the Defendant's counsel and informed the Defendant, through counsel, of the nature of the charges, the Defendant's rights, and the consequences of a plea of guilty, the Defendant waived arraignment and, with the advice of counsel, decided to enter this plea. The Court finds that the Defendant is represented by counsel authorized to dispose of this cause on the Defendant's behalf and that the Defendant's plea was entered only after the Defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury and all other rights set out above. The Court hereby consents to and approves of the waiver of trial by jury by both sides in this cause, and accepts this plea, which is not the result of a plea bargain agreement between the Defendant and the prosecuting attorney.

After a hearing on punishment, the Court assesses the Defendant's punishment at a fine in the amount of \$\_\_\_\_\_. ~~The Court further finds that Harris County bore the entire burden of prosecuting this case, and hereby apportions seventy-five percent (75%) of the fine, or \$\_\_\_\_\_, to Harris County, and twenty-five percent (25%) of the fine, or \$\_\_\_\_\_, to the State of Texas.~~

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JUDGE, 179TH CRIMINAL DISTRICT COURT

NO. 900,529

THE STATE OF TEXAS                    §        IN THE 179TH DISTRICT COURT  
VS.    §    OF  
TURBINE CHROME                        §    HARRIS COUNTY, TEXAS  
SERVICES, INC.

**FELONY PLEA OF GUILTY BY A CORPORATION**

COMES NOW THE DEFENDANT in this cause, **Turbine Chrome Services, Inc.**, a corporation registered with the Texas Secretary of State, appearing by counsel John S. Cossum, a licensed Texas attorney, pursuant to TEX.CODE CRIM.PROC. article 17A.07(a). Prior to entering a plea herein, the Defendant represents through counsel that:

1. The Defendant understands that it is charged with a felony violation of the **Texas Used Oil Collection, Management, and Recycling Act** pursuant to Chapter 7.176, Texas Water Code, for which the punishment is a fine not to exceed \$20,000.
2. The Defendant understands that it has the right to a jury trial, which includes the right to have punishment assessed by a jury; the right to compulsory process for obtaining witnesses in its favor; the right to confront and cross-examine witnesses against it; the right to be arraigned and have the charges against it read in open court; the right to ten full days after arraignment before the day trial begins; the right to appointed counsel if unable to afford counsel; and the right to have ten days after the appointment of any attorney before entering a plea.
3. The Defendant understands that upon a plea of guilty, with a waiver of trial by jury, punishment may be assessed by the Court upon the introduction of evidence of the Defendant's guilt by the State; that if the Defendant is found guilty, this case may be used as evidence in favor of higher punishment if the Defendant is later convicted of a subsequent offense; that the Court shall notify the Texas Commission on Environmental Quality and the Attorney General of Texas in writing of this conviction when it becomes final and unappealable; and that if the Court does not exceed the agreed recommendation of the State in assessing punishment, then the Defendant's right to appeal its conviction will be limited to matters raised by written motion and ruled upon before trial unless the Court gives permission to raise other matters.

The undersigned attorney, John S. Cossum, acknowledges that he represents the Defendant, **Turbine Chrome Services, Inc.**, and that he has discussed the case with officials of the Defendant who have the authority to decide whether the Defendant should waive the aforesaid rights and enter a plea of guilty. With a full understanding of the aforesaid rights, the Defendant hereby knowingly and voluntarily waives: the arraignment and reading of the indictment; the ten-day period after arraignment before trial; the right of trial by jury; the right to confront and cross-examine witnesses against the Defendant; the right to compulsory process for obtaining witnesses in the Defendant's favor; the appointment of counsel; the ten-day waiting period for trial after appointment of counsel; and any further time to prepare for trial to which the Defendant or its counsel may be entitled.

In open court the Defendant freely and voluntarily enters a plea of guilty to the offense charged in the indictment, and stipulates that if the State's witnesses were present in court to testify, the testimony would embrace each and every element

of the offense charged, which occurred on or about **FEBRUARY 10, 1999**. The Defendant consents to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements of witnesses, and other documentary evidence, and requests this Court to make immediate disposition of this cause, based on the Defendant's plea. Upon that plea, the Defendant understands that there is *no agreed recommendation* as to punishment in this case, but that the judge of this Court will determine the appropriate sentence in this cause. The Defendant agrees to enter this plea without an agreed recommendation as to punishment. The Defendant further waives any right of appeal it may have should the Court accept this plea of guilty.

The Defendant, through counsel, has read the foregoing matters and understands each and every one of them.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**TURBINE CHROME SERVICES, INC.**  
Appearing through counsel

\_\_\_\_\_  
JOHN S. COSSUM, Texas Bar No. 04854500

\_\_\_\_\_  
CULBERSON A. PARRISH, President

I, the undersigned Assistant District Attorney for Harris County, Texas, approve of and consent to the Defendant's waiver of trial by jury and stipulation of evidence in this cause.

\_\_\_\_\_  
ROGER A. HASEMAN, Texas Bar No. 09197800

## **FINDINGS OF THE COURT**

This document was executed by the Defendant, through counsel, and the attorney representing the State, and then filed with the papers of the case. After the Court consulted with the Defendant's counsel and informed the Defendant, through counsel, of the nature of the charges, the Defendant's rights, and the consequences of a plea of guilty, the Defendant waived arraignment and, with the advice of counsel, decided to enter this plea. The Court finds that the Defendant is represented by counsel authorized to dispose of this cause on the Defendant's behalf and that the Defendant's plea was entered only after the Defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury and all other rights set out above. The Court hereby consents to and approves of the waiver of trial by jury by both sides in this cause, and accepts this plea, which is not the result of a plea bargain agreement between the Defendant and the prosecuting attorney.

After a hearing on punishment, the Court assesses the Defendant's punishment at a fine in the amount of \$\_\_\_\_\_. ~~The Court further finds that Harris County bore the entire burden of prosecuting this case, and hereby apportions seventy-five percent (75%) of the fine, or \$\_\_\_\_\_ to Harris County, and twenty-five percent (25%) of the fine, or \$\_\_\_\_\_ to the State of Texas.~~

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JUDGE, 179TH CRIMINAL DISTRICT COURT

NO. 900,531

THE STATE OF TEXAS                    §    IN THE 179TH DISTRICT COURT  
VS.    §    OF  
CULBERSON ALFRED PARRISH §    HARRIS COUNTY, T E X A S

**FELONY PLEA OF GUILTY**

COMES NOW THE DEFENDANT in this cause, Culberson Alfred Parrish, appearing in open court and represented by counsel John S. Cossum, a licensed Texas attorney. Prior to entering a plea herein, the Defendant represents the following:

1. The Defendant is mentally competent and understands that he is charged with a felony **Hazardous Waste Storage** violation of the Texas Solid Waste Disposal Act, pursuant to §7.162(a)(2), Texas Water Code, for which the punishment is a fine of not less than \$1,000 or more than \$50,000, imprisonment for a term not to exceed ten years, or both fine and imprisonment.
2. The Defendant understands that he has the right to a jury trial, which includes the right to have punishment assessed by a jury; the right to compulsory process for obtaining witnesses in the Defendant's favor; the right to confront and cross-examine witnesses against the Defendant; the right to be arraigned and have the charges against the Defendant read in open court; the right to ten full days after arraignment before the day trial begins; the right to appointed counsel if unable to afford counsel; and the right to have ten days after the appointment of any attorney before entering a plea.
3. The Defendant understands that upon a plea of guilty, with a waiver of trial by jury, punishment may be assessed by the Court upon the State's introduction of evidence into the record of the Defendant's guilt; that if the Defendant is found guilty, this case may be used as evidence to enhance punishment if the Defendant is later convicted of another offense; that the Court shall notify the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission) in writing of this conviction when it becomes final and unappealable; that if the Court does not exceed the agreed recommendation of the State in assessing punishment, then the Defendant's right to appeal this conviction will be limited to matters raised by written motion and ruled upon before trial unless the Court gives permission to raise other matters; that if the Defendant is not a citizen of the United States of America, a plea of guilty for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law; and that if the Defendant is on probation or parole, this plea of guilty may result in the revocation of probation or parole resulting in further confinement.

The undersigned attorney, John S. Cossum, acknowledges that he represents the Defendant, Culberson Alfred Parrish, and that he has discussed the case with the Defendant, including whether the Defendant should waive the aforesaid rights and enter a plea of guilty. With a full understanding of the aforesaid rights, the Defendant hereby knowingly and voluntarily waives: the arraignment and reading of the indictment; the ten-day period after arraignment before trial; the right of trial by jury; the right to confront and cross-examine witnesses against the Defendant; the right to compulsory process for obtaining witnesses in the Defendant's favor; the appointment of counsel; the ten-day waiting period for trial after appointment

of counsel; and any further time to prepare for trial to which the Defendant or counsel may be entitled.

In open court the Defendant freely and voluntarily enters a plea of guilty to the offense charged in the indictment, and stipulates that if the State's witnesses were present in court to testify, the testimony would embrace each and every element of the offense charged, which occurred on or about **FEBRUARY 10, 1999**. The Defendant consents to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements of witnesses, and other documentary evidence, and requests this Court to make immediate disposition of this cause, based on the Defendant's plea. Upon that plea, the Defendant understands that there is *no agreed recommendation* as to punishment in this case, but that the judge of this Court will determine the appropriate sentence in this cause. The Defendant agrees to enter this plea without an agreed recommendation as to punishment. The Defendant further agrees to waive any right of appeal that he may have should the court accept this plea of guilty.

The Defendant has read the foregoing matters and understands each and every one of them.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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DEFENDANT: CULBERSON ALFRED PARRISH

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JOHN S. COSSUM, Texas Bar No. 04854500

I, the undersigned Assistant District Attorney for Harris County, Texas, approve of and consent to the Defendant's waiver of trial by jury and stipulation of evidence in this cause.

---

ROGER A. HASEMAN, Texas Bar No. 09197800

## **FINDINGS OF THE COURT**

This document was executed by the Defendant, through counsel, and the attorney representing the State, and then filed with the papers of the case. After the Court consulted with both the Defendant and counsel, and informed the Defendant of the nature of the charges, the Defendant's rights, and the consequences of a plea of guilty, the Defendant waived arraignment and, with the advice of counsel, decided to enter said plea. The Court finds that the Defendant is competent, is represented by counsel, and that the Defendant's plea was entered only after the Defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury and all other rights set out above. The Court hereby consents to and approves of the waiver of trial by jury by both parties in this cause, and accepts this plea, which is not the result of a plea bargain agreement between the Defendant and the prosecuting attorney.

After a hearing on punishment, the Court assesses the Defendant's punishment as follows:

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~~The Court further finds that Harris County bore the entire burden of prosecuting this case, and hereby apportions seventy-five percent (75%) of the fine, or \$\_\_\_\_\_ to Harris County, and twenty-five percent (25%) of the fine, or \$\_\_\_\_\_ to the State of Texas.~~

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JUDGE, 179TH CRIMINAL DISTRICT COURT

NO. 900,532

THE STATE OF TEXAS                    §        IN THE 179TH DISTRICT COURT  
VS.    §    OF  
CULBERSON ALFRED PARRISH §        HARRIS COUNTY, T E X A S

**FELONY PLEA OF GUILTY**

COMES NOW THE DEFENDANT in this cause, Culberson Alfred Parrish, appearing in open court and represented by counsel John S. Cossum, a licensed Texas attorney. Prior to entering a plea herein, the Defendant represents the following:

1. The Defendant is mentally competent and understands that he is charged with a felony violation of the **Texas Used Oil Collection, Management, and Recycling Act**, pursuant to §7.176(a)(2) of the Texas Water Code, for which the punishment is a fine of not less than \$1,000 or more than \$50,000, imprisonment for a term not to exceed five years, or both fine and imprisonment.
2. The Defendant understands that he has the right to a jury trial, which includes the right to have punishment assessed by a jury; the right to compulsory process for obtaining witnesses in his favor; the right to confront and cross-examine witnesses against him; the right to be arraigned and have the charges against him read in open court; the right to ten full days after arraignment before the day trial begins; the right to appointed counsel if unable to afford counsel; and the right to have ten days after the appointment of any attorney before entering a plea.
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The undersigned attorney, John S. Cossum, acknowledges that he represents the Defendant, **Culberson Alfred Parrish**, and that he has discussed the case with the Defendant, including whether the Defendant should waive the aforesaid rights and enter a plea of guilty. With a full understanding of the aforesaid rights, the Defendant hereby knowingly and voluntarily waives: the arraignment and reading of the indictment; the ten-day period after arraignment before trial; the right of trial by jury; the right to confront and cross-examine witnesses against the Defendant; the right to compulsory process for

obtaining witnesses in the Defendant's favor; the appointment of counsel; the ten-day waiting period for trial after appointment of counsel; and any further time to prepare for trial to which the Defendant or his counsel may be entitled.

In open court the Defendant freely and voluntarily enters a plea of guilty to the offense charged in the indictment, and stipulates that if the State's witnesses were present in court to testify, the testimony would embrace each and every element of the offense charged, which occurred on or about **FEBRUARY 10, 1999**. In open court the Defendant consents to the oral and written stipulation of evidence in this cause, and to the introduction of affidavits, written statements of witnesses, and other documentary evidence, and requests this Court to make immediate disposition of this cause, based on the Defendant's plea. Upon that plea, the Defendant understands that there is *no agreed recommendation* as to punishment in this case, but that the judge of this Court will determine the appropriate sentence in this cause. The Defendant agrees to enter this plea without an agreed recommendation as to punishment. The Defendant further agrees to waive any right of appeal that he may have should the Court accept this plea of guilty.

The Defendant has read the foregoing matters and understands each and every one of them.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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DEFENDANT: CULBERSON ALFRED PARRISH

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JOHN S. COSSUM, Texas Bar No. 04854500

I, the undersigned Assistant District Attorney for Harris County, Texas, approve of and consent to the Defendant's waiver of trial by jury and stipulation of evidence in this cause.

---

ROGER A. HASEMAN, Texas Bar No. 09197800

## **FINDINGS OF THE COURT**

This document was executed by the Defendant, through counsel, and the attorney representing the State, and then filed with the papers of the case. After the Court consulted with both the Defendant and his counsel, and informed the Defendant of the nature of the charges, the Defendant's rights, and the consequences of a plea of guilty, the Defendant waived arraignment and, with the advice of counsel, decided to enter said plea. The Court finds that the Defendant is competent, is represented by counsel, and that the Defendant's plea was entered only after the Defendant knowingly, intelligently, and voluntarily waived the right to a trial by jury and all other rights set out above. The Court hereby consents to and approves of the waiver of trial by jury by both parties in this cause, and accepts this plea, which is not the result of a plea bargain agreement between the Defendant and the prosecuting attorney.

After a hearing on punishment, the Court assesses the Defendant's punishment as follows:

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The Court further finds that Harris County bore the entire burden of prosecuting this case, and hereby apportions seventy-five percent (75%) of the fine, or \$\_\_\_\_\_ to Harris County, and twenty-five percent (25%) of the fine, or \$\_\_\_\_\_ to the State of Texas.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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JUDGE, 179TH CRIMINAL DISTRICT COURT

**Turbine Chrome Inspection**  
**7419 Avenue O**  
**Houston, Texas**  
**February 24, 2003**  
**Charles Roosevelt – COH Health and Human Services**

I Arrived at the site at 9:35 am and joined up with Clyde Smith, Public Works, Industrial Wastewater, and Arthur Malone, environmental consultant for Turbine Chrome. We met Mr. Al Parrish and informed him of the purpose of our follow-up inspection to verify current conditions at the property.

We started out in the office reviewing documents and records. However, we had some difficulty locating the requested records as Mr. Parrish did not know exactly where they were located. Mr. Parrish stated that his wife, Elsie, kept up with all the records and would know where they were. Since Elsie was on her way to the office we decided to walk through the facility first and look at the documents and records last.

We walked through the machine shop portion of the facility and out the southern door. While walking through the shop we noticed a liquid on the floor around two large vertical mills and a large lathe. It appeared that this liquid may have passed under the sheet metal wall of the building and to the outside contacting the soil. On checking the outside of the building we observed two areas void of vegetation, about 6 sq/ft total in area. These two areas appeared to be contaminated with the same liquid substance that was observed inside the building. This substance appeared to be cutting oil/cooling lubricant that had leaked/spilled from the machines.

The fenced area between the machine shop building and the ditch/railroad tracks was examined next. New internal drainage ditches had been dug to channel rainwater off the property. One small area of slightly off-color, pale yellow, soil was observed adjacent to the large burnt-orange intermodal container stored on the property. We next examined the internal drainage ditch next to the building. No obvious stains were observed. Further to the north we located the area where the alleged discharge of February 8, 1999 occurred. No staining or further discharge was apparent in this area. A concrete berm had been constructed on a portion of the foundation potentially to act as a containment barrier. We also observed a concrete gutter that ran parallel to the north wall of the building between the electroplating vats and the air pollution emission control equipment. There was no barrier to prevent spilled liquid from the plating operation from entering this ditch and flowing off-site to the stormwater ditch and into the ship channel. This area concerned me because there were a number of metal pails used to catch drips from the vapor hood. Additionally, floor sweep (absorbent) residue was observed around the vats, under the rectifier and next to the wall of the building. This floor sweep residue, yellow in color, appeared to be contaminated with chromic acid. This residue was within three feet of the concrete gutter leading off-site. No barrier was present to prevent a off-site discharge.

The air pollution control equipment associated with the electroplating operation pulls vapor off the plating vats and through a scrubber to remove the chromic acid before being discharged into the atmosphere. Several open top plastic drums were placed to catch drips off this equipment. The area immediately under the air pollution control equipment was surrounded by a 1 to 2 inch high concrete containment berm. As evidenced by the stains on the concrete, it appeared that a spill had occurred that exceeded the capacity of the berm. The stain on the concrete had a pale-yellow color.

The roof of this part of the building covering the air pollution control equipment was reported to have been damaged by a storm. No repairs have yet been made to the roof.

A large metal cutting band saw was observed exposed to the elements with a pile of metal cuttings and cutting oil residue on the ground. This equipment was to have been kept covered when not in use, however, the cover appeared to have been off for several days and the equipment was not in use at the time of our inspection. No containment was observed around saw to prevent cutting oil from entering the environment.

Additionally, outside and exposed to the elements was a large vat that appeared to contain an oily residue and was placarded with a corrosive label. The tank was standing on three good legs with the fourth one bent and required propping up with concrete blocks. Another square vat was used to collect the liquid residue from the chromic acid scrubber. This vat was also outside the containment area and was covered with a lid that would not prevent rainwater from entering the vat. Chromic acid waste collected in this vat is added back to the plating tanks. A spill from either of these vats would flow, unrestricted, to the concrete gutter, off-site to the stormwater ditch and ship channel.

A 20' intermodal container was placed just outside the north end of the building. This container was being used as a sandblasting booth. No air pollution control equipment was connected to the container. Blasting media and associated sandblasting equipment was observed in the immediate vicinity of the container and blasting media was observed inside the container and on the ground outside of the container.

Additionally, A large pile of wood scrap and debris was observed on the northern portion of the property. This debris consisted of old railroad ties, pallet lumber, and wood debris from the fire that destroyed an internal office in the machine shop.

We next looked at the operations inside the building starting in the northwest corner with the waste storage area. All together there is probably over 100 drums in this area. Approximately 50 of these contain grinding sludge profiled and placarded as non-hazardous waste. Another 50 drums appear to be empty and will be used for containment and disposal of waste generated from the operation. Additionally, there were four recently filled 55-gallon drums of cutting/cooling fluid waste. No placards were as yet placed on these drums. No hazardous waste placards were observed on any of the drums in this area.

The floor drains in the shop were observed filled with concrete. The drains outside the shop area are still connected and discharge to the stormwater ditch on the east side of the property.

The plating vats are contained inside an 8' deep pit. Numerous buckets and pails were located in this area. Spent floor sweep was observed on the concrete floor and used to soak up spilled material from the plating tanks. Chromic acid spillage or drag-out from the plating tanks that lands on the concrete floor is not prevented by any barrier from leaving the property and entering the environment. Additionally, one of the chromic acid vapor hoods that surrounds one of the tanks has numerous leaks. The chromic acid condensate drips out of these holes and into buckets and pails placed around the hood. Spillage of chromic acid waste was observed on the concrete floor adjacent to the tank and associated vapor hood. Spent floor sweep was also observed around this tank, under and around an adjacent electrical cabinet, and the attached fire extinguishing system. Chromic acid had splashed onto the large red bottles of fire extinguishing chemical.

We also observed an electrical connection, two unsecured single wires, running from a breaker box, across the concrete floor to an electrical device in one of the plating tanks. We were extremely careful not to trip on these wires.

Regarding the floor sweep (absorbent) waste generated, it would appear easy to mix chrome contaminated floor sweep (hazardous waste) with cutting oil/coolant lubricant contaminated floor sweep in a drum of "floor sweep." I did not see any labels on drums containing spent floor sweep that were placed in the collection area where the wastes were generated. Floor sweep used around the plating tanks would be contaminated with chromic acid waste.

The floors and walkways inside the building were generally clear of debris. We did notice that two sections of compressed gas cylinders were not secured by their chains. Several employees, who were conducting grinding/machining operations were not wearing any eye protection.

### **Documents / Records**

After conducting the walk through of the facility we returned to the office to review documents and records. We first examined the training records for employees. Two current employees are 40 Hour HAZWOPER certified and have received annual 8 Hour refresher courses since initial certification. HAZCOM training is also conducted for all employees on an annual basis. Elsie Parrish stated they are due for another HAZCOM class and have a number of new employees who need the training. The Stormwater Plan identified the team members who have been trained. This training was either provided by or coordinated by Turbine Chrome's environmental consultant, Mr. Arthur Malone.

We reviewed the Stormwater Pollution Prevention Plan and updates. Mr. Malone prepared the plan and is working with Turbine Chrome on the day-to-day application of the document. Mr. Parrish and Mrs. Parrish were listed as the Pollution Prevention Team members. Completed quarterly check lists were attached to the document. Additionally,

the TCEQ (Texas Commission on Environmental Quality) was recently at the site and reviewed the Stormwater Pollution Prevention Plan.

Regarding waste determination, Mrs. Parrish stated she was using documents prepared by Mr. Malone to properly manage the waste they generate. Mr. Malone also assisted Turbine Chrome by updating their TCEQ NOR (Notice of Registration). I examined waste manifests for hazardous and non-hazardous waste generated at Turbine Chrome and shipped off-site for disposal. These documents appeared in-order with the last two shipments of hazardous waste on February 10, 2003 and February 11, 2003.

Turbine Chrome still does not have the occupancy permits for the building. The Fire Department has held these permits pending construction of a firewall inside the building to separate the machining/grinding operation from the plating operation.

We also discussed the abrasive and cleaning operation contained in the 20 intermodal container. Mr. Malone stated that Turbine Chrome should connect the dust collector to the container, or not use it for sandblasting.

#### **Summary of Concerns**

No occupancy permits

Cutting oil/coolant lubricant discharge on the south and west side of the machine shop

Light Pale-yellow substance on the ground on the east side of the building

Vat with corrosive placard exposed to the elements, no containment

Vat with chromic acid waste exposed to the elements with no containment

Open top plastic drums catching drips from the scrubber, exposed to the elements

Sandblasting with no air control device

Drums of waste not labeled

Chromic acid waste on the floor with no barrier to prevent discharge

Large pile of wood waste

Dangerous electrical connections

Employee safety

# Chem Environmental Services, Inc.

P. O. Box 1667  
Friendswood, TX 77549

## Fax Cover Sheet

<b>DATE:</b>	May 15, 2003	<b>TIME:</b>	11:17 AM
<b>TO:</b>	Roger Haseman Assistant District Attorney	<b>PHONE:</b>	713-755-5834
		<b>FAX:</b>	713-755-8188
<b>FROM:</b>	Arthur Malone Chem Environmental Services	<b>PHONE:</b>	281-482-6581
		<b>FAX:</b>	281-648-1923
<b>RE:</b>	COH INSPECTION AT TURBINE CHROME SERVICES		

**Number of pages including cover sheet: 10**

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**Message:**

The following is a copy of correspondence to Mr. Charles Roosevelt addressing the observations and concerns noted during an inspection by Mr. Roosevelt and Mr. Clyde Smith. This letter was delivered to Mr. Roosevelt and is intended to describe a remedy for each concern. This copy is for your records. Please review and contact me if I can be of further assistance in this matter. Thanks.

Arthur

# ChemEnvironmental

SERVICES, INC.

May 2, 2003

**To: Charles Roosevelt  
COH Health and Human Resources**

**Re: Turbine Chrome Inspection at 7419 Avenue O, Houston, Texas**

On February 24, 2003, Mr. Charles Roosevelt of the COH Health and Human Resources and Mr. Clyde Smith, Public Works, Industrial Wastewater, conducted a follow-up inspection to verify current conditions at the Turbine Chrome Services facility.

A report of the inspection listed a number of observations noted during the inspection and indicated a number of concerns. The following document is a statement by the facility describing the remedies for these concerns. Each observation is noted with the corresponding remedy immediately following:

**Observation:**

A cursory walk-through of the machine shop portion of the facility was conducted. While walking through the shop notice was made of a liquid on the floor around two large vertical mills and a large lathe. It appeared that this liquid may have passed under the sheet metal wall of the building and to the outside contacting the soil. On checking the outside of the building two areas void of vegetation were observed, about 6 sq/ft total in area. These two areas appeared to be contaminated with the same liquid substance that was observed inside the building. This substance appeared to be cutting oil/cooling lubricant that had leaked/spilled from the machines.

**Remedy:**

Cutting oil/cooling lubricant had spilled on the floor around two large vertical mills and a large lathe as a result of a hose leak on one of the machines during a maintenance operation. It appeared that this liquid may have passed under the sheet metal wall of the building and to the outside contacting the soil in two places. Immediate action was taken to remove all traces of the spill and place the waste oily soil into drums for disposal.

A daily inspection form has been amended to include a visual check of all machinery and the floor areas around them for leaks and wet areas. The building walls inside and outside of the building will be checked daily for indications of spillage and contamination. In the event any spillage is found to occur, the spill will be cleaned up and removed immediately.

A copy of the daily inspection form is attached to this document.

**Observation:**

The fenced area between the machine shop building and the ditch/railroad tracks was examined next. New internal drainage ditches had been dug to channel rainwater off the property. One small area of slightly off-color, pale yellow, soil was observed adjacent to the large burnt-orange intermodal container stored on the property. We next examined the internal drainage ditch next to the building. No obvious stains were observed. Further to the north we located the area where the alleged discharge of February 8, 1999 occurred. No staining or further discharge was apparent in this area. A concrete berm had been constructed on a portion of the foundation potentially to act as a containment barrier.

**Remedy:**

A sample of the soil containing the pale yellow discoloration will be analyzed for chromium, lead and iron metals to determine the cause of the discoloration. Any soils with metal contamination in hazardous amounts will be removed and properly disposed of.

**Observation:**

We also observed a concrete gutter that ran parallel to the north wall of the building between the electroplating vats and the air pollution emission control equipment. There was no barrier to prevent spilled liquid from the plating operation from entering this ditch and flowing off-site to the stormwater ditch and into the ship channel. This area concerned me because there are a number of metal pails used to catch drips from the vapor hood. Additionally, floor sweep (absorbent) residue was observed around the vats, under the rectifier and next to the wall of the building. This floor sweep residue, yellow in color, appeared to be contaminated with chromic acid. This residue was within three feet of the concrete gutter leading off-site. No barrier was present to prevent an off-site discharge.

**Remedy:**

A concrete type barrier will be constructed to prevent any spillage from the plating operation from entering the "ditch" or trough. Additionally, any existing leaks in the exhaust duct system will be repaired and all pails will be removed. The area will be inspected daily for spills and leaks and will be maintained dry and clean. Any spill will be removed immediately as it occurs and a detergent and mop followed by absorbent, broom and dustpan will be used to pick up and remove any stains that may occur from a spill.

This activity will be the duty of the plating operator with the constant oversight of the management.

**Observation:**

The air pollution control equipment associated with the electroplating operation pulls vapor off the plating vats and through a scrubber to remove the chromic acid before being discharged into the atmosphere. Several open top plastic drums were placed to catch drips off this equipment. The area immediately under the air pollution control equipment was surrounded by a 1 to 2 inch high concrete containment berm. As evidenced by the stains on the concrete, it appeared that a spill had occurred that exceeded the capacity of the berm. The stain on the concrete had a yellow color.

**Remedy:**

The concrete barrier below the emission control equipment will be raised to accept a 25-year rainfall event in order to prevent any overflow. All open top containers will be removed and any leaks that may be cause for spillage will be repaired. Since any spillage is likely to occur as the result of scheduled cleaning and maintenance, additional operator awareness for prevention of spillage will be included in all future training classes.

**Observation:**

The roof of an addition to the building covering the air pollution control equipment was reportedly damaged by a storm. At the time of the inspection no repairs had yet been made to the roof.

**Remedy:**

Generally, air pollution control equipment for chromium emissions is designed and built for outdoor installation, as is the case at Turbine Chrome Services. However, the equipment was initially placed under a roof structure, which was later damaged by a storm. The facility intends to rebuild the structure in the near future as finances allow. In the interim, the equipment will be visually checked for leakage or deterioration daily using the daily inspection log and will be maintained to prevent any spillage from occurring.

**Observation:**

A large metal cutting band saw was observed exposed to the elements with a pile of metal cuttings and cutting oil residue on the ground. This equipment was to have been kept covered when not in use, however, the cover appeared to have been off for several days and the equipment was not in use at the time of our inspection. No containment was observed around saw to prevent cutting oil from entering the environment.

**Remedy:**

The large metal cutting band saw will be relocated inside the facility buildings shortly. In the interim period, the cover will continuously cover the saw to prevent any spillage caused by a rain event. The area around the saw will be maintained dry and clean of any

cutting oil or other contaminant. The area will be inspected daily for spillage and cover using the daily inspection log.

**Observation:**

Additionally, outside and exposed to the elements was a large vat that appeared to contain an oily residue and was placarded with a corrosive label. The tank was standing on three good legs with the fourth one bent and required propping up with concrete blocks. Another square vat was used to collect the liquid residue from the chromic acid scrubber. This vat was also outside the containment area and was covered with a lid that would not prevent rainwater from entering the vat. Chromic acid waste collected in this vat is added back to the plating tanks. A spill from either of these vats would flow, unrestricted, to the concrete gutter, off-site to the stormwater ditch and ship channel.

**Remedy:**

The large vat containing chromic acid related "waste" materials is generated from chrome vat cleaning activities at the site. This material is normally allowed to settle with the upper solution being added back to the plating tank. This vat will be emptied immediately and its use will cease. The material will be drummed and labeled hazardous waste sludge.

The vat used to collect the liquid residue from the chromic acid scrubber is kept empty and used only during cleaning of the scrubber. All collected rinseate is pumped directly back to the plating vats for source makeup water immediately following the scrubber cleaning backwash procedure. The lid remains closed but is configured to catch any liquid including stormwater which may fall upon it.

**Observation:**

A 20" intermodal container was placed just outside the north end of the building. This container was being used as a sandblasting booth. No air pollution control equipment was connected to the container. Blasting media and associated sandblasting equipment was observed in the immediate vicinity of the container and blasting media was observed inside the container and on the ground outside of the container.

**Remedy:**

The intended use of the container was for storage of sand blasting equipment. The facility will take immediate steps to insure that no blast cleaning activities occur at the facility other than in the approved blast cleaning process located in the grinding shop area.

In the near future, the facility may choose to convert the container into a sandblasting booth for projects requiring a larger booth. Prior to the start of any blast cleaning activities employing the container, a compliant particulate collection filter system will be

installed and a PI-7 "Permit By Rule" authorization will be obtained for the blast cleaning system.

**Observation:**

A large pile of wood scrap and debris was observed on the northern portion of the property. This debris consisted of old railroad ties, pallet lumber, and wood debris from the fire that destroyed an internal office in the machine shop.

**Remedy:**

The facility will immediately arrange to have all wood scrap and debris removed from the premises and disposed of at a licensed waste facility.

**Observation:**

Concerning operations inside the building in the northwest corner with the waste storage area. All together there is probably over 100 drums in this area. Approximately 50 of these contain grinding sludge profiled and placarded as non-hazardous waste. Another 50 drums appear to be empty and will be used for containment and disposal of waste generated from the operation. Additionally, there were four recently filled 55-gallon drums of cutting/cooling fluid waste. No placards were as yet placed on these drums. No hazardous waste placards were observed on any of the drums in this area.

**Remedy:**

Arrangements are currently underway to contract for disposal of the cutting/cooling fluid/grinding sludge waste. All other waste materials generated at the site are currently disposed of in a timely manner. As soon as a disposal agreement is completed, the cutting/coolant fluid/grinding sludge will be shipped. The four recently filled drums observed during the inspection, were just collected immediately prior to the inspection, and had not yet been labeled and placed with the other coolant waste. Labels were placed on the drums during the same day as the inspection.

Additional training and review of the facility's waste management procedures will insure placarding and labeling is always performed in a timely manner. Additionally, generator accumulation limits will be adhered to for all industrial waste. Record keeping will be conducted and maintained for all generation and storage of industrial waste to insure all waste is disposed of in a timely manner.

**Observations:**

The floor drains in the shop were observed filled with concrete. The drains outside the shop area are still connected and discharge to the stormwater ditch on the east side of the property.

**Remedy:**

As observed, the drain in the shop has previously been sealed and concreted to prevent any discharge through it. The facility has drains to move stormwater from and around the facility. The TPDES storm water plan for the facility addresses inspections and maintenance of the drains to assure their integrity for stormwater removal.

**Observation:**

The plating vats are contained inside an 8' deep pit. Numerous buckets and pails were located in this area. Spent floor sweep was observed on the concrete floor and used to soak up spilled material from the plating tanks. Chromic acid spillage or drag-out from the plating tanks that lands on the concrete floor is not prevented by any barrier from leaving the property and entering the environment. Additionally, one of the chromic acid vapor hoods that surrounds one of the tanks has numerous leaks. The chromic acid condensate drips out of these holes and into buckets and pails placed around the hood. Spillage of chromic acid waste was observed on the concrete floor adjacent to the tank and associated vapor hood. Spent floor sweep was also observed around this tank, under and around an adjacent electrical cabinet, and the attached fire extinguishing system. Chromic acid had splashed onto the large red bottles of fire extinguishing chemical.

**Remedy:**

A concrete type barrier will be constructed to prevent any spillage from the plating operation from leaving the plating operation and entering the environment. Additionally, any existing leaks in the exhaust duct system will be repaired and all pails will be removed. An additional vat has been placed in the sump below the floor level, to collect and contain any spillage that may occur during rinse and drag out procedures. The plating area will be inspected daily for spills and leaks, and maintained dry and clean. Any spill will be removed immediately as it occurs. A detergent and mop followed by absorbent, broom and dustpan will be used to pick up and remove any stains that may occur from a spill.

This activity will be the duty of the plating operator with the constant oversight of the management.

**Observation:**

We also observed an electrical connection, two unsecured single wires, running from a breaker box across the concrete floor to an electrical device in one of the plating tanks. We were extremely careful not to trip on these wires.

**Remedy:**

A wire feed to a solution heater has been identified and an electrical contractor will be retained to repair and place the wire in a conduit.

**Observation:**

Regarding the floor sweep (absorbent) waste generated, it would appear easy to mix chrome contaminated floor sweep in a drum of "floor sweep". I did not see any labels on drums containing spent floor sweep that were placed in the collection area where the wastes were generated. Floor sweep used around the plating tanks would be contaminated with chromic acid waste.

**Remedy:**

The facility currently has a waste stream number 0002310H on its TCEQ Notice of Registration. The waste stream is for hazardous waste floor sweep with chrome and lead. Additional training will be conducted to ensure that all floor sweep generated that contains hazardous constituents will be contained, labeled and kept separate from any non hazardous trash or floor sweep.

**Observation:**

The floors and walkways inside the building were generally clear of debris. We did notice that two sections of compressed gas cylinders were not secured by their chains. Several employees, who were conducting grinding/machining operations were not wearing any eye protection.

**Remedy:**

The securing chains for the compressed gas cylinders were immediately latched and will be kept latched at all times in the future. Employees are furnished eye protection and will be directed to wear them during all times in the work environment. More training will be conducted for employee safety and awareness for workplace practices and accident prevention.

**Documents / Records**

After conducting the walk through of the facility we returned to the office to review documents and records. We first examined the training records for employees. Two current employees are 40 Hour HAZWOPER certified and have received annual 8 Hour refresher courses since initial certification. HASCOM training is also conducted for all employees on an annual basis. Elsie Parrish stated they are due for another HAZCOM class and have a number of new employees that need the training. The Stormwater Plan identified the team members who have been trained. This training was either provided or coordinated by Turbine Chrome's environmental consultant, Mr. Arthur Malone.

We reviewed the Stormwater Pollution Prevention Plan and updates. Mr. Malone prepared the plan and is working with Turbine Chrome on the day-to-day application of the document. Mr. Parrish and Mrs. Parrish were listed as the Pollution Prevention Team members. Completed quarterly checklists were attached to the document. Additionally,

the TCEQ was recently at the site and reviewed the Stormwater Pollution Prevention Plan.

Regarding the determination, Mrs. Parrish stated she was using documents prepared by Mr. Malone to properly manage the waste they generate. Mr. Malone also assisted Turbine Chrome by updating their TCEQ NOR (Notice of Registration). I examined waste manifests for hazardous and non-hazardous waste generated at Turbine Chrome and shipped off-site for disposal. These documents appeared in order with the last tow shipments of hazardous waste on February 10, 2003 and February 11, 2003.

Turbine Chrome still does not have occupancy permits for the building. The Fire Department has held these permits pending construction of a firewall inside the building to separate the machining/grinding operation from the plating operation.

**Remedy:**

The facility is presently applying for a permit from the City of Houston for an occupancy permit. As soon as the Fire Department approves the firewall construction for isolation of the plating operation, a permit will be issued.

If any further concerns are discovered concerning the facility and require a response, please contact Mr. Al Parrish at Turbine Chrome Facility or contact me at 281-482-6581. Thank you.

Sincerely,



Arthur Malone for Turbine Chrome Services  
Chem Environmental Services, Inc.

Cc: Al Parrish, Turbine Chrome Services

Attachment

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

<b>DAILY INSPECTION CHECKLIST / REPORT</b>		Inspected by: _____ Title: _____	
<b>Instructions:</b> Qualified personnel shall conduct inspections once per day. Observe and record any changes since last inspection. Changes in measures and controls must be implemented within 14 days after inspection.			
<b>Leak Inspection</b>			
Inspect for leaks or spillage:	Observation	Corrective Action	Correction Date
Storm water conveyance systems			
Outdoor perimeter along the edge of the shop or buildings			
Machining process equipment areas			
Grinding process equipment areas			
Plating process tanks/equipment			
Waste process and wash down fluid			
Plating tank lateral exhaust hoods			
Scrubber system and surrounding area			
Outdoor areas where any industrial activities may occur			
Outdoor areas where any materials are stored or handled			
Indoor and outdoor Containment areas			
Dust collection systems			
Equipment containing oily parts, hydraulic fluids, or any other types of fluids			
Material handling equipment			
Outdoor liquid storage (e.g. tanks, drums)			
Stormwater Outfalls			

## EXHIBITS

- SX-1 → PRE-SENTENCE OFFENSE & PUNISHMENT REPORT
- SX-2 → FINANCIAL - COMPTROLLER'S REPORT
- SX-3 → PHOTO - BLOWUP
- SX-4 → PHOTO - BLOWUP
- SX-5 → PHOTO - BLOWUP
- SX-6 → PHOTO - BLOWUP
- SX-7 → PHOTO - BLOWUP
- SX-8 → PHOTO - BLOWUP - DRUM STORAGE
- SX-9 → PHOTO - BLOWUP - DRUM SAMPLING
- SX-10 → PHOTO - BLOWUP - USED OIL CONTAMINATION
- SX-11 → PHOTO - BLOWUP - USED OIL CONTAMINATION
- SX-12 → PHOTO - TRENCH
- SX-13 → PHOTO - DEAD VEGETATION
- SX-14 → PHOTO - TRENCH TO DITCH
- SX-15 → PACKET OF PHOTOS - S/W
- SX-16 → PACKET OF PHOTOS - POLY TANK DISCHARGE
- SX-17 → PACKET OF PHOTOS - POLY TANK DISCHARGE
- SX-18 → DIAGRAM -



NOS. 900528, 900529, 900531, AND 900532

THE STATE OF TEXAS                    §    IN THE 179TH DISTRICT COURT  
  
VS.    §    OF  
  
TURBINE CHROME                        §        HARRIS COUNTY, TEXAS  
SERVICES, INC. AND  
CULBERSON A. PARRISH                §

PRE-SENTENCE OFFENSE AND PUNISHMENT REPORT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas by and through her Assistant District Attorney and files this Pre-Sentence Offense and Punishment Report. The Defendant, Turbine Chrome Services, Inc. is a duly registered corporation in the State of Texas, having incorporated in 1983. The Defendant, Culberson Alfred Parrish, is the registered agent and President of the corporation. This Court having accepted the Defendants' nolo contendere pleas in these causes for the unlawful storage of hazardous waste and the unlawful disposal of used oil, with respect to each defendant, the State now submits a summary of the pertinent facts surrounding these offenses.

On February 8, 1999, Sgt. M.S. Walsh, a Houston police officer assigned to the Major Offenders Division, Environmental Investigations Unit, and Joe Bosques, a City of Houston inspector, responded to a complaint concerning chrome waste in a ditch behind Turbine Chrome Services, Inc. at 7419 Ave. O in Houston, Harris County, Texas. The business is an electroplating facility that utilizes chromium in the plating process. At the location, which is only one-quarter mile from the Houston Ship Channel, Walsh and Bosques observed approximately 30 to 50 gallons of what appeared to be chrome sludge in the drainage ditch that ran adjacent to the boundary of the facility. A sample was taken for identification of the substance, which turned out be chromium. A

toxicity test was performed to determine whether or not the waste was a hazardous waste. The results revealed 6,520 parts per million (ppm) of chromium in the sample. Anything more than 5 ppm is hazardous according to the rules promulgated by the Environmental Protection Agency (EPA).

On February 10, 1999, Walsh executed a search warrant at the facility, since the weather forecast showed heavy rains due for the Houston area. On this date he observed a larger amount of chromium waste in the drainage ditch---approximately 200-300 gallons. This waste was sampled and tested for toxicity, which revealed a level of 4,576 ppm of chromium in the ditch. Eagle Construction and Environmental Services (Eagle) was contracted to stop the free flowing waste material and water from continuing down stream into the City of Houston storm drain. Numerous samples were taken at different points along the path from the facility to the Ship Channel. A sample taken 133.6 feet upstream from the point of discharge revealed a chromium level in the soil of 0.18 ppm. A sample taken 506.9 feet downstream from the point of discharge revealed a chromium level in the water of 249 ppm. Samples taken from three outfalls that discharge into the Ship Channel all tested positive for the presence of chromium, which does not dissolve easily in water, but not at hazardous levels. Chromium was the only heavy metal detected at these outfalls.

An additional dozen samples were taken within the facility and property boundaries, and approximately half of these samples were significant. A soil sample was taken from a pile of debris on the property, and revealed a total petroleum hydrocarbon (TPH) level of 189,000 ppm with heavy metals present, indicative of used oil contamination. (A normal level of TPH typically found in all soils is a range of between 200-500 ppm). A composite soil sample taken from outside the building facing the drainage ditch was contaminated with a significant amount of used oil with a TPH level of 193,000 ppm. A soil sample taken from under an HL&P pole west of the building was hazardous for chromium with a

level of 20.4 ppm, and also was contaminated with used oil at a level of 54,200 ppm.

A liquid sample from an open vat west of the building was hazardous for chromium with a level of 187.0 ppm. A composite solid sample taken from two 55-gallon drums inside of a building was hazardous for chromium with a level of 103.0 ppm. A composite sample taken from two other 55-gallon drums inside a building was hazardous for both chromium and lead with levels of 3,681 ppm and 20.0 ppm, respectively. A composite sample taken from yet two additional drums was hazardous for chromium at a level of 291.0 ppm. It should be noted that approximately fifteen 55-gallon drums of hazardous waste were located in a storage building. Neither defendant possesses a permit to store or to dispose of any hazardous waste.

Parrish was interviewed and admitted that he stored hazardous waste for longer periods than allowed by law, which is typically 90-days, due to the costs associated with disposing of it. Previously, in 1998, the EPA initiated an enforcement action against the defendants for the illegal storage of hazardous waste occurring during a November 1997 inspection. The EPA assessed an administrative penalty of \$20,897.00, which was subsequently waived following clean-up based on Turbine Chrome's financial condition. Parrish also told officers at the scene that occasionally, when flooding from rains caused water to fill the overflow pit beneath the plating vat, he had instructed employees to pump the rainwater out of the pit, and that the rainwater mixed with small amounts of chromium and sulfuric acid as it was discharged into the ditch. On one previous occasion, Parrish had been told to cease his practice of pumping soapy water into the ditch, water that had been used to rinse parts prior to plating them. Parrish had claimed that he discharged approximately 50 gallons per month into the ditch. Parrish also stated that he never reported either discharge procedure to regulators. While Parrish denied that he or his employees discharged any material into the drainage ditch on this occasion, he did acknowledge that hazardous waste was

generated by his business. He stated that he believed someone unknown to him purposefully dumped the plating solution waste into the ditch.

Following execution of the February 10, 1999 search warrant, Parrish hired Eagle to conduct the clean-up of the property. All of the waste was temporarily stored on the property in roll-off containers and a 5,000-gallon poly drum/container, until payment arrangements could be made between Parrish and Eagle. On October 27, 1999, all of these containers were still on the property. On this date the Houston Police Department responded to another discharge at the site. Parrish had hired Specialized Waste Systems, Inc. (SWS) to remove a roll-off box containing paint products from the property. During the process of dragging the box from the property, it made contact with the 5,000-gallon poly tank, breaking a valve off of the bottom of the tank. Before the hole could be plugged, an estimated 1,250-gallons of hazardous waste chromium were discharged onto the property, a portion of which leaked back into the drainage ditch behind the property. The City of Houston hired Eagle to clean up the resulting spill and subsequently sued Turbine Chrome for the costs associated with the cleanup.

Parrish was seriously injured during the spill when he became saturated with the hazardous waste chromium solution while attempting to plug the hole. He was taken to Ben Taub Hospital and was admitted into the ICU. The driver of the vehicle moving the box, Gregory Wayne Neal, checked himself into Ben Taub for observation as a result of his exposure to chromium waste, again occurring while he and Parrish attempted to plug the leak. Parrish knew chromium was in the tank along with some sulfuric acid.

Walsh interviewed Neal, who stated that as he pulled the roll-off box past the poly tank, Parrish was standing right next to the tank motioning for him to continue moving forward. Neal stated that he then noticed an unknown liquid coming from the bottom of the tank. While helping to stop the leak, Neal stated that he asked Parrish two or three times what the liquid was coming out of the

tank. Neal says he was told, "It's a diluted solution." Neal says he held the valve into the tank while Parrish went to get a wrench. After stopping the leak, Parrish went inside and changed clothes. Neal stated that he washed his hands and arms, and wanted to change his clothes, but was told that they did not have any other clothes. This claim is disputed by Elsie Parrish, the Defendant's wife and an employee of Turbine Chrome, who states she strongly recommended that Neal take a shower and change into one of the clean work uniforms kept at the business. Neal stated that he was asked to stay and finish the job, and that he was all but saturated with the liquid. As he was preparing to leave, Neal says that Parrish told him to go home and wash with soap and hot water. Prior to Neal leaving, Parrish collapsed and was taken by ambulance to Ben Taub.

To date, Turbine Chrome has paid the City of Houston \$7,500.00 in cleanup costs to date and still owes \$32,500.00, a debt being paid at the rate of \$667.00 per month. Additionally, Turbine Chrome has paid Eagle \$175,000.00 toward cleanup costs and still owes the sum of \$370,000.00. Turbine Chrome is paying \$1,000.00 per week to Eagle toward discharge of that debt, which is accumulating interest at a rate of 18%. Turbine has also paid Texas Ecologists, Inc. \$54,000.00, Advanced Management Systems \$25,000.00 and still owes over \$9,000 on a State Bank loan taken out to defray costs incurred from the cleanup. Turbine has also paid its civil attorney, Bruce Tough, \$43,000.00 and a consultant, Chem Environmental, \$20,000.00 in fees related to the cleanup and various civil and administrative actions that have arisen since February 10, 2003.

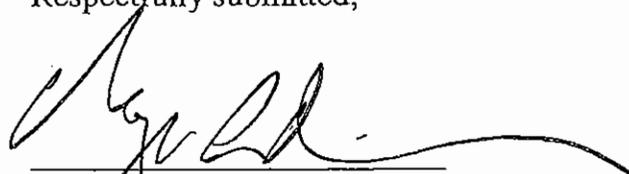
In addition, the Defendants owe the City of Houston \$9,600.00 in restitution as a result of analytical work involved in this investigation, and the Defendants have agreed to pay this restitution as a part of its punishment in these causes.

### Chromium, Hexavalent

According to the Agency for Toxic Substances and Disease Registry (ATSDR), in a top 20 list of hazardous substances, Hexavalent Chromium ranks number 18. (Hexavalent Chromium, or Chromium VI, is the form of chromium used in the electroplating process. It should not be confused with Trivalent Chromium, or Chromium III, which occurs naturally in the environment and is an essential nutrient for the human body.) Chromium VI is toxic and can cause cancer. It can strongly attach to the soil, and only a small amount can dissolve in water and move deeper in the soil to underground water. Skin contact with chromium compounds can cause skin ulcers.

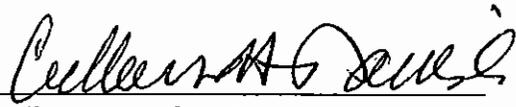
Chromium VI is absorbed by the body more easily than Chromium III, but once inside the body, Chromium VI is changed to Chromium III. Once in the bloodstream, Chromium VI is distributed to all parts of the body. The body will convert Chromium VI to Chromium V, then Chromium IV, and then ultimately to Chromium III, at which time it will pass through the kidneys and be eliminated in the urine in a few days. However, it is this process of conversion from Chromium VI to Chromium III in the body that causes damage to the organs that may ultimately result in cancer.

Respectfully submitted,



Roger A. Haseman  
Assistant District Attorney  
1201 Franklin, Rm. 600  
Houston, TX 77002  
(713) 755-5834 (off.)  
(713) 755-8188 (fax)  
State Bar No. 09197800

Approved as to form and substance:



Culberson Alfred Parrish  
Individually and as President,  
Turbine Chrome Services, Inc.

Attorney of Record



John S. Cossum  
Texas Bar No. 04854500



## Office of the Secretary of State

The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

TURBINE CHROME SERVICES, INC.  
Filing Number: 63882700

Articles Of Incorporation  
Change Of Registered Agent/Office  
Change Of Registered Agent/Office  
Public Information Report (PIR)

January 12, 1983  
March 05, 1990  
February 25, 1991  
December 31, 1999

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 23, 2003.



A handwritten signature in cursive script that reads "Gwyn Shea".

Gwyn Shea  
Secretary of State

ARTICLES OF INCORPORATION

OF

TURBINE CHROME SERVICES, INC.

**FILED**  
In the Office of the  
Secretary of State of Texas

**JAN 12 1983**

Clerk D  
Corporations Section

I, the undersigned natural person of the age of eighteen (18) years or more, acting as incorporator of a corporation under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation.

ARTICLE ONE

The name of the corporation is:

TURBINE CHROME SERVICES, INC.

ARTICLE TWO

The period of its duration is perpetual.

ARTICLE THREE

The purpose for which the corporation is organized is to buy, sell, manufacture, lease, and deal in services, personal property of every type and description, tangible and intangible, and real property, subject to Part Four of the Texas Miscellaneous Corporation Laws Act, and to engage in and with other persons, firms and corporations in joint ventures and partnerships; without limiting the generality of the foregoing, the purpose of this corporation is to transact any or all lawful business for which corporations may be incorporated.

ARTICLE FOUR

The aggregate number of shares which the corporation shall have the authority to issue is One Million (1,000,000) of the par value of One Dollar (\$1.00) each. The shares shall be designated as common stock and shall have identical rights and privileges in every respect.

ARTICLE FIVE

The corporation shall not commence business until it has received for the issuance of its shares consideration of the value of One Thousand Dollars (\$1,000.00), consisting of money, labor done, or property actually received, which sum is not less than One Thousand Dollars (\$1,000.00).

ARTICLE SIX

The post office address of its initial registered office is 1110 Sens Road, LaPorte, Texas 77571.

The name of its initial registered agent at such address is Culberson A. Parrish.

ARTICLE SEVEN

The Shareholders of the corporation shall have preemptive rights to acquire their proportionate interest in any additional, unissued, or treasury shares of the corporation hereafter issued by the corporation regardless of the consideration received by the corporation for such shares.

ARTICLE EIGHT

The number of Directors constituting the initial Board of Directors is one and the name and address of the person who is to serve as Director until the first annual meeting of the Shareholders or until their successors are elected and qualified is:

Culberson A. Parrish  
250 Connie  
Houston, Texas 77076

ARTICLE NINE

The name and address of the incorporator is:

Culberson A. Parrish  
250 Connie  
Houston, Texas 77076

ARTICLE TEN

The Articles of Incorporation and all Amendments thereto may be amended by a majority vote of the shares of the corporation then outstanding and entitled to vote.

ARTICLE ELEVEN

The power to amend the Bylaws of the corporation is hereby reserved unto the Shareholders.

ARTICLE TWELVE

Except where expressly prohibited by law, any action required or permitted to be taken by the Shareholders may be taken by a majority vote of the shares then outstanding and entitled to vote.

ARTICLE THIRTEEN

Directors shall be elected by a plurality vote. Cumulative voting of the shareholders in elections of directors is specifically permitted.

ARTICLE FOURTEEN

The number of directors constituting the Board of Directors may be altered by a majority vote of the Shareholders without the necessity of amending these Articles of Incorporation or Bylaws.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of January, 1983.

Culberson A. Parrish  
Culberson A. Parrish

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

I, the undersigned notary public, do hereby certify that on this 10th day of January, 1983, personally appeared before me Culberson A. Parrish who being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator, and that the statements therein contained are true.

Ruth Richardson  
Notary Public in and for  
The State of T E X A S  
Ruth Richardson  
My commission expires:  
4-6-84

3 0 1 1 9 3 0 1 7 9 8

STATEMENT OF CHANGE OF REGISTERED

FILED

OFFICE OR REGISTERED AGENT OR BOTH

In the Office of the Secretary of State of Texas

BY A TEXAS DOMESTIC CORPORATION

MAR 05 1990

Corporations Section

1. The name of the corporation TURBINE CHROME SERVICES INC.
2. The address, including street and number, of its present registered office as shown in the records of the Secretary of State of the State of Texas prior to filing this statement is 1110 SENS RD. LAPORTE, TX
3. The address, including street and number, to which its registered office is to be changed is 15 DRENNAN HOUSTON, TEXAS 77003  
(Give new address of state "no change")
4. The name of its present registered agent, as shown in the records of the Secretary of State of the State of Texas, prior to filing this statement is CULBERSON A PARRISH
5. The name of its new registered agent is NO CHANGE  
(Give new name or state "no change")
6. The address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
7. Such change was authorized by its board of directors.

*C A Parrish*  
 President or Vice President  
*C. A. Parrish*

Sworn to 2-28-90  
 (date)

*Carey J. Ratisseau*  
 Notary Public  
Harris County, Texas

STATEMENT OF CHANGE OF REGISTERED  
OFFICE OR REGISTERED AGENT OR BOTH  
BY A TEXAS DOMESTIC CORPORATION

FILED  
In the Office of the  
Secretary of State of Texas  
FEB 25 1991  
Corporations Section

- 1. The name of the corporation Turbine Chrome Services

---

- 2. The address, including street and number, of its present registered office as shown in the records of the Secretary of State of the State of Texas prior to filing this statement is 15 Drennan Houston, TX. 77001

---

- 3. The address, including street and number, to which its registered office is to be changed is 7419 Ave. O. Houston, Texas 77011  
(Give new address of state "no change")

---

- 4. The name of its present registered agent, as shown in the records of the Secretary of State of the State of Texas, prior to filing this statement is Culberson A. Parrish

---

- 5. The name of its new registered agent is no change  
(Give new name or state "no change")

---

- 6. The address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

---

- 7. Such change was authorized by its board of directors.

C.A. Daniel  
President or Vice President

Sworn to 2-21-91  
(date)

Caryn J. Roterson  
Notary Public  
Harris County, Texas

## **PUBLIC INFORMATION REPORT (PIR) NOTIFICATION**

**Prior to tax year 2002 copies of Public Information Reports may not have been retained by the Secretary of State of Texas. If you have received this notification in place of a listed report prior to that date you must contact the Comptroller of Public Accounts at (512) 463-4600 to request copies of the record.**



# TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. BOX 13528  
AUSTIN, TX 78711-3528

THE STATE OF TEXAS                   §

COUNTY OF TRAVIS                   §

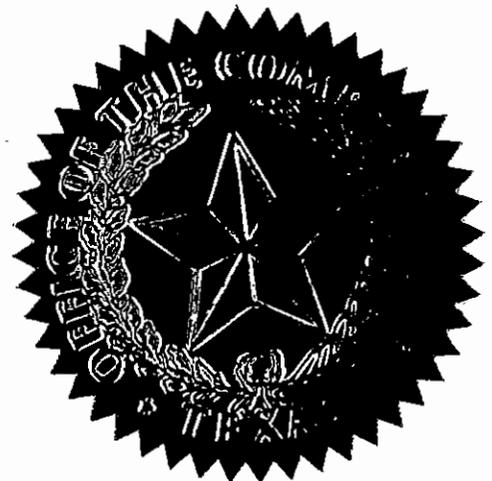
I, Albert Alvarez, of the Open Government Section of the Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY AND ATTEST, I am a custodian of franchise tax records and files of the Comptroller of Public Accounts.

I FURTHER CERTIFY that the attached documents are a history of the Texas Corporation Franchise Tax Report data for Turbine Chrome Services Inc. for report years 1998 through 2002 under taxpayer number 1-74-2253035-6.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of my office on this 11<sup>th</sup> day of February, 2003.

Albert Alvarez, Custodian of Records  
Open Government Section  
Comptroller of Public Accounts

/aa



FRANCHISE TAX SUMMARY INQUIRY

\* \* \* BANKRUPT \* \* \*

TURBINE CHROME SERVICES INC  
7419 AVENUE O  
HOUSTON TX 77011-1715

MASTER PHONE: 713-921-  
SEC ADDRESS :  
HARRIS COUNTY  
FIELD/AUD OFF: 2H33 /

CHART FILE DATE	:	01/12/1983	CHARTER STAT/DT	:	ACTIVE	01/12/
CHARTER FILE NO	:	0063882700	ACCOUNT STATUS	:		
NEXUS DATE	:		RESP BEG/END DATE:	:	01/12/1983	/
SURVIVOR	:		RESP END REASON	:		
PRIORITY FLAG	:	NO	STATE OF INC	:	TX	
IN PAYEE HOLD	:	NO	ORG TYPE	:		TEXAS PROFIT
MGMT HALT STATUS	:	NO MGMT HALT	EXEMPT BEG/END DT:	:		/
CERTS/JUDGMENTS	:	NO / NO	EXEMPT REASON	:		
PPA / LIENS	:	NO / 0	TIMING DIF AMT	:		
HEARINGS	:	NO	APPORTNMENT FACT	:		
AUDIT STATUS	:	NO AUDIT	CURR TEMP CREDIT	:		
NBR RETURN CHECKS:	:		START/REVOKE YEAR:	:		/
			MANDATORY EFT	:	NO	

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02/1

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 98

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

0.0

ACCOUNTING METHOD: NONE

BASIS ACCTG METHOD: CLOSE

OR

ACCOUNT YEAR END : 12/31/1997

RECEIPTS TEXAS : 986,335

EVERYWHERE : 986,335

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 162,094-

APPORT TAXABLE : 0

DEDUCTIONS : 0

TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 98274-15-0519

POSTMARK DATE : 09/29/1998

PMK CORRECTED : NO

PROCESS DATE : 10/12/1998

END OF DATA

PAGE

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NEXT PREV SRPL IHIST ICOLL IPMTS HE

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 99

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

1,546.0

ACCOUNTING METHOD: FIT

BASIS ACCTG METHOD: NONE

OR

ACCOUNT YEAR END : 12/31/1998

RECEIPTS TEXAS : 1,609,964

EVERYWHERE : 1,609,964

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 5,608

APPORT TAXABLE : 9,608

DEDUCTIONS : 0

TAX DUE NET CAP : 24.02

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 99188-43-1254

POSTMARK DATE : 06/16/1999

PMK CORRECTED : NO

PROCESS DATE : 07/08/1999

END OF DATA

PAGE

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02/11

FRANCHISE TAX PAYMENT INQUIRY

TURBINE CHROME SERVICES INC

ORD

PERIOD COVERED : 99

TCODE :	13020	TOTAL
DESCRIPTION:	REPORT PAYMENT	
PMT TYPE :	REGULAR	
SOURCE/METH:		
AMOUNT :	1,546.07	1,546.07
POSTMARK DT:	06/16/1999	
PMD CORR :		
PROCESS DT :	06/22/1999	
DLN/REF # :	99173231003	
ORIG DLN :	99173231003	
XFER TAX/PD:		
XFER TP # :		
CANCEL DATE:		
CANCEL REF :		
TAXING AUTH:		
VOUCHER NUM:		

END OF DISPLAY

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XIDATA.17422530356.13.00.

02/1

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 00

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

0.0

ACCOUNTING METHOD: FIT

BASIS ACCTG METHOD: NONE

OR

ACCOUNT YEAR END : 12/31/1999

RECEIPTS TEXAS : 1,035,624

EVERYWHERE : 1,035,624

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 102,866-

APPORT TAXABLE : 0

DEDUCTIONS : 0

TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 00196-16-0228

POSTMARK DATE : 07/11/2000

PMK CORRECTED : NO

PROCESS DATE : 07/14/2000

END OF DATA

PAGE

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF  
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XIDATA.17422530356.13.01.

02/1

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 01	TURBINE CHROME SERVICES INC	
CAPITAL TAX RATE : .00250	TOTAL TAX DUE:	0.0
ACCOUNTING METHOD: FIT	BASIS ACCTG METHOD: NONE	OR
ACCOUNT YEAR END :	12/31/2000	
RECEIPTS TEXAS :	1,212,141	
EVERYWHERE :	1,212,141	
APPORT FACTOR :	1.0000	
CAPITAL :	4,000	
SURPLUS :	80,388-	
APPORT TAXABLE :	0	
DEDUCTIONS :	0	
TAX DUE NET CAP :	0.00	

TCODE/TYPE : 13100 - ORIGINAL  
DLN/REF # : 01088-42-0528  
POSTMARK DATE : 04/05/2001  
PMK CORRECTED : NO  
PROCESS DATE : 04/06/2001

END OF DATA

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF

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PAGE

XIDATA.17422530356.13.02.

02/1

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 02

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

0.0

ACCOUNTING METHOD: FIT

BASIS ACCTG METHOD: NONE

OR

ACCOUNT YEAR END : 12/31/2001

RECEIPTS TEXAS : 1,437,709

EVERYWHERE : 1,437,709

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 47,048-

APPORT TAXABLE : 0

DEDUCTIONS : 0

TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 02067-40-0803

POSTMARK DATE : 03/08/2002

PMK CORRECTED : NO

PROCESS DATE : 03/08/2002

END OF DATA

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# TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. BOX 13528  
AUSTIN, TX 78711-3528

THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Albert Alvarez, of the Open Government Section of the Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY AND ATTEST, I am a custodian of sales tax records and files of the Comptroller of Public Accounts.

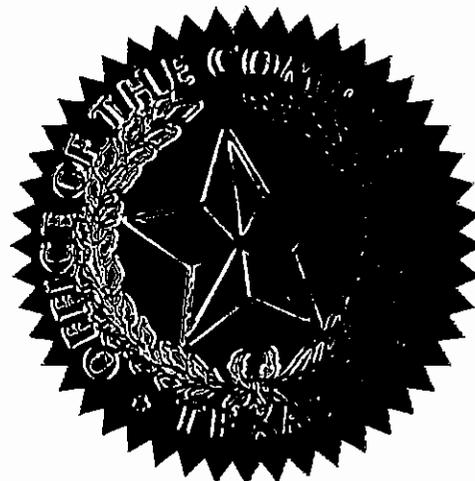
I FURTHER CERTIFY that limited sales, excise, and use tax number 1-74-2253035-6 was issued to Turbine Chrome Services Inc., 7419 Avenue O, Houston, Texas 77011.

I FURTHER CERTIFY that the attached documents are a history of the Texas Sales and Use Tax Return data and payments for the month of January 1998 through the month of November 2002 for Turbine Chrome Services Inc.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of my office on this 11<sup>th</sup> day of February, 2003.

Albert Alvarez, Custodian of Records  
Open Government Section  
Comptroller of Public Accounts

/aa



TAXPAYER # : 17422530356  
 TURBINE CHROME SERVICES INC  
 7419 AVENUE D  
 HOUSTON TX 77011

PHONE NUMBER: 713-921-2277  
 SEC ADDRESS :  
 CNTY/ST CODE: 101  
 FIELD OFFICE: 2H33

LAST REPORT FILED: 0211      ACCOUNT STATUS: MONTHLY - 8410  
 OPEN LIABILITIES: 2      RESP BEG DATE: 10/02/1984  
 OPEN CREDITS: 0      RESP END DATE:  
 OPEN NON-FILERS: 0      ORGANIZATION TYPE: TEXAS PROFIT CORP  
 TOTAL NON-FILERS: 0      PAYEE HOLD WAIVED:  
 NUMBER HOT CHECKS: 0      AUDIT STATUS: HAS BEEN AUDITED  
 PRIORITY FLAG: NO      MGMT HALT STATUS: NO MGMT HALT  
 PPA: NO  
 LIENS: NO  
 JUDGEMENTS: NO      BANKRUPT STATUS: YES

PROGRAM: T26120  
 TIME: 11:06:05

COMPTROLLER OF PUBLIC ACCOUNTS  
 LIMITED SALES, EXCISE, AND USE TAX  
 TAXPAYER HISTORY FROM 9801 TO 0211  
 DATA INFORMATION BY OUTLET

DATE: 2/10/03  
 PAGE: 3

TAXPAYER #: 17422530356  
 TAXPAYER NAME: TURBINE CHROME SERVICES INC  
 OUTLET: 00003

PERIOD	TCODE	DLN REF	PKM DATE	TOTAL SALES	TAXABLE SALES	TAXABLE PURCHASES	STATE AMT SUBJ TO TAX	LOCAL AMT SUBJ TO TAX	TOTAL TAX DUE
9801	26100	98049371079	02/19/98	117,203	0	1,145	1,145	0	71.56
9802	26100	98090370539	03/20/98	139,234	0	645	645	0	40.31
9803	26100	98115382087	04/20/98	140,695	0	1,850	1,850	0	115.62
9804	26100	98147350346	05/20/98	160,903	0	17,982	17,982	0	1,123.87
9805	26100	98191110883	07/09/98	91,513	0	0	0	0	0.00
9806	26100	98212362972	07/20/98	93,487	0	0	0	0	0.00
9807	26100	982333360868	08/20/98	194,313	0	0	0	0	0.00
9808	26100	98267390760	09/21/98	144,558	0	0	0	0	0.00
9809	26100	982933361595	10/20/98	105,894	0	0	0	0	0.00
9810	26100	983335401605	11/20/98	177,939	0	0	0	0	0.00
9811	26100	98351360123	12/18/98	132,370	0	0	0	0	0.00
9812	26100	99030210426	01/26/99	968	0	0	0	0	0.00
9901	26100	99049440716	02/22/99	73,705	0	0	0	0	0.00
9902	26100	99078431012	03/22/99	73,105	0	0	0	0	0.00
9903	26100	99102441697	04/14/99	91,793	0	0	0	0	0.00
9904	26100	99141421874	05/20/99	91,675	0	0	0	0	0.00
9905	26100	99174431921	06/21/99	81,362	0	0	0	0	0.00
9906	26100	99209400765	07/20/99	79,813	0	0	0	0	0.00
9907	26100	99238423925	08/20/99	86,381	0	0	0	0	0.00
9908	26100	992559420231	09/17/99	82,386	0	0	0	0	0.00
9909	26100	99280240774	10/18/99	75,815	0	0	0	0	0.00
9910	26100	99343443208	11/22/99	82,043	0	0	0	0	0.00
9911	26100	99362410530	12/20/99	47,535	0	0	0	0	0.00
9912	26100	14400729	01/18/00	98,421	0	0	0	0	0.00
0001	26100	60441644	02/22/00	82,539	4	0	4	0	0.25
0002	26100	87221723	03/20/00	73,960	0	0	0	0	0.00
0003	26110	9802043022	04/08/02	78,080	0	0	0	0	0.00
0004	26100	143201505	05/22/00	95,963	0	0	0	0	0.00
0005	26100	187222942	06/29/00	69,510	0	0	0	0	0.00
0006	26100	204170206	07/20/00	93,402	0	0	0	0	0.00
0007	26100	238442542	08/21/00	80,833	0	0	0	0	0.00
0008	26100	265180475	09/20/00	109,732	0	0	0	0	0.00
0009	26100	291420255	10/17/00	68,056	0	0	0	0	0.00
0010	26100	326442704	11/20/00	83,903	0	0	0	0	0.00
0011	26100	353421050	12/19/00	108,280	0	0	0	0	0.00
0012	26100	1030412146	01/22/01	97,614	0	0	0	0	0.00
0101	26100	1058441655	02/20/01	107,337	0	0	0	0	0.00
0102	26110	11501000322	03/20/01	103,380	0	0	0	0	0.00
0103	26110	9802043852	04/08/02	114,643	0	0	0	0	0.00
0104	26100	1142202207	05/21/01	103,919	0	0	0	0	0.00
0105	26100	1178422263	06/20/01	85,490	0	0	0	0	0.00
0106	26100	1204421341	07/20/01	101,887	0	0	0	0	0.00
0107	26100	1237412573	08/20/01	162,055	0	0	0	0	0.00
0108	26100	1270410410	09/20/01	112,625	0	0	0	0	0.00
0109	26110	31001013748	10/22/01	136,790	0	0	0	0	0.00



FRANCHISE TAX CAPITAL RETURN DATA INQUIRY  
TURBINE CHROME SERVICES INC

PERIOD COVERED: 97  
 CAPITAL TAX RATE : .00250 TOTAL TAX DUE: 0.00  
 ACCOUNTING METHOD: FIT BASIS ACCTG METHOD: CLOSE ORD  
 ACCOUNT YEAR END : - 12/31/1996  
 RECEIPTS TEXAS : 1,885,860  
 EVERYWHERE : 1,885,860  
 APPORT FACTOR : 1.0000  
 CAPITAL : 4,000  
 SURPLUS : 37,317-  
 APPORT TAXABLE : 0  
 DEDUCTIONS : 0  
 TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL  
 DLN/REF # : 97225-15-0121  
 POSTMARK DATE : 08/07/1997  
 PMK CORRECTED : NO  
 PROCESS DATE : 08/18/1997  
 END OF DATA

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---  
 NEXT PREV SRPL IHIST ICOLL IPMTS HELP

TURBINE CHROME

1996 - \$ 1,885,860.00  
 1997 - 986,335.00  
 1998 - 1,609,964.00  
 1999 - 1,035,624.00  
 2000 - 1,212,141.00  
 2001 - 1,437,709.00

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 98

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

0.00

ACCOUNTING METHOD: NONE

BASIS ACCTG METHOD: CLOSE

ORD

ACCOUNT YEAR END : - 12/31/1997

RECEIPTS TEXAS : 986,335

EVERYWHERE : 986,335

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 162,094-

APPORT TAXABLE : 0

DEDUCTIONS : 0

TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 98274-15-0519

POSTMARK DATE : 09/29/1998

PMK CORRECTED : NO

PROCESS DATE : 10/12/1998

END OF DATA

PAGE 1

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NEXT PREV SRPL

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HELP

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 99	TURBINE CHROME SERVICES INC	
CAPITAL TAX RATE : .00250	TOTAL TAX DUE:	1,546.07
ACCOUNTING METHOD: FIT	BASIS ACCTG METHOD: NONE	ORD
ACCOUNT YEAR END : - 12/31/1998		
RECEIPTS TEXAS : 1,609,964		
EVERYWHERE : 1,609,964		
APPORT FACTOR : 1.0000		
CAPITAL : 4,000		
SURPLUS : 5,608		
APPORT TAXABLE : 9,608		
DEDUCTIONS : 0		
TAX DUE NET CAP : 24.02		

TCODE/TYPE : 13100 - ORIGINAL  
DLN/REF # : 99188-43-1254  
POSTMARK DATE : 06/16/1999  
PMK CORRECTED : NO  
PROCESS DATE : 07/08/1999  
END OF DATA

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---  
NEXT PREV SRPL IHIST ICOLL IPMTS HELP

FRANCHISE TAX PAYMENT INQUIRY

TURBINE CHROME SERVICES INC

PERIOD COVERED : 99

TCODE : 13020 TOTAL

DESCRIPTION: REPORT PAYMENT

PMT TYPE : REGULAR

AMOUNT : 1,546.07 1,546.07

POSTMARK DT: 06/16/1999

PMD CORR :

PROCESS DT : 06/22/1999

DLN/REF # : 99173231003

ORIG DLN : 99173231003

XFER TAX/PD:

XFER TP # :

CANCEL DATE:

CANCEL REF :

TAXING AUTH:

VOUCHER NUM:

END OF DISPLAY

PAGE 1

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NEXT PREV ITXPI IHIST ICOLL IDATA HELP

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 00 TURBINE CHROME SERVICES INC  
 CAPITAL TAX RATE : .00250 TOTAL TAX DUE: 0.00  
 ACCOUNTING METHOD: FIT BASIS ACCTG METHOD: NONE ORD  
 ACCOUNT YEAR END : 12/31/1999  
 RECEIPTS TEXAS : 1,035,624  
 EVERYWHERE : 1,035,624  
 APPORT FACTOR : 1.0000  
 CAPITAL : 4,000  
 SURPLUS : 102,866-  
 APPORT TAXABLE : 0  
 DEDUCTIONS : 0  
 TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL  
 DLN/REF # : 00196-16-0228  
 POSTMARK DATE : 07/11/2000  
 PMK CORRECTED : NO  
 PROCESS DATE : 07/14/2000  
 END OF DATA

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---  
 NEXT PREV SRPL ISCHD IHIST ICOLL IPMTS HELP

FRANCHISE TAX CAPITAL RETURN DATA INQUIRY

PERIOD COVERED: 01

TURBINE CHROME SERVICES INC

CAPITAL TAX RATE : .00250

TOTAL TAX DUE:

0.00

ACCOUNTING METHOD: FIT

BASIS ACCTG METHOD: NONE

ORD

ACCOUNT YEAR END : - 12/31/2000

RECEIPTS TEXAS : 1,212,141

EVERYWHERE : 1,212,141

APPORT FACTOR : 1.0000

CAPITAL : 4,000

SURPLUS : 80,388-

APPORT TAXABLE : 0

DEDUCTIONS : 0

TAX DUE NET CAP : 0.00

TCODE/TYPE : 13100 - ORIGINAL

DLN/REF # : 01088-42-0528

POSTMARK DATE : 04/05/2001

PMK CORRECTED : NO

PROCESS DATE : 04/06/2001

END OF DATA

PAGE 1

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NEXT PREV SRPL ISCHD IHIST ICOLL IPMTS HELP

**Turbine Chrome Services, Inc.**

**Long Term Liabilities Pertaining to Cleanup:**

Eagle Construction: \$ 371,484.23

City of Houston: \$ 32,666.74

State Bank: \$ 9,640.75

**TOTAL: \$ 413,791.72**

OFFENSE REPORT  
HARRIS COUNTY  
(FOR T.D.C. AND PAROLE BOARD)  
DATE: OCTOBER 01, 2003

PAGE: 1

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NAME OF INMATE: PARRISH, CULBERSON ALFRED AKA: N/A  
COURT NO: 179 CAUSE NO: 0900531  
DATE OF OFFENSE: 02/10/99 DATE OF SENTENCE: 09/16/03 TDC YEARS: 5  
OFFENSE: HAZARDOUS WASTE COUNT: N/A  
DEGREE VIOLATED: 3  
LAW VIOLATED: 361.22

1. DEFENDANT IS NOT SENTENCED UNDER ART.42.12 S 3G(A) (1) AND (2),  
G.C. CHAP.508.145 (1/4 CALENDAR TIME BEFORE PAROLE)
2. STATEMENT OF OFFENSE (INCLUDING TIME, DATE, PLACE, MANNER IN WHICH  
COMMITTED, MITIGATING OR AGGRAVATING CIRCUMSTANCES):

HOUSTON POLICE DEPARTMENT SERGEANT M.S. WALSH WHO IS ASSIGNED TO MAJOR OFFENDERS DIVISION IN THE ENVIRONMENTAL INVESTIGATIONS UNIT AND (EQS) ENVIRONMENTAL QUALITY SPECIALIST JOE BOSQUES WHO IS ASSIGNED TO THE PUBLIC HEALTH AND HUMAN SERVICES DEPARTMENT RESPONDED TO AN ANONYMOUS COMPLAINT. THE COMPLAINT ALLEDGED THAT THE DEFENDANTS' "TURBINE CHROME SERVICES" & THE CO-DEFENDANT "CULBERSON ALFRED PARRISH" HAVE BEEN DUMPING THIER HAZARDOUS WASTE (CHROME) ILLEGALLY FOR YEARS. ON FEBRUARY 8TH, 1999 AT APPROX. 1020 HRS WALSH & BOSQUES ARRIVED AT THE FACILITY WHICH IS LOCATED AT 7419 AVENUE O, HOUSTON, HARRIS COUNTY, TEXAS. THE FACILITY IS LESS THAN ONE-FOURTH (1/4) OF A MILE FROM THE HOUSTON SHIP CHANNEL. WALSH OBSERVED A DRAINAGE DITCH THAT RAN ADJACENT TO THE NORTHERN BOUNDARY LINE OF THE FACILITY. WALSH & BOSQUES OBSERVED APPROX. THIRTY TO FIFTY GALLONS (30 TO 50 GAL) OF WHAT APPEARED TO BE CHROME WASTE. BOSQUES TOOK AN ENVIRONMENTAL SAMPLE, SUBMITTED IT TO THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR "EAGLE" FOR TESTING. A CHROME TYPE WASTE APPEARED ON THE SOIL/BANK OF THE DITCH ON THE SIDE CLOSEST TO THE FACILITY, AN AREA WHICH WAS NEAREST TO ONE OF THE FACILITIES BUILDINGS. THE SAMPLE WAS ANAYLIZED WITH THE FOLLOWING RESULTS: TOTAL CHROMIUM= SEVEN THOUSAND FOUR HUNDRED & FORTY PARTS PER MILLION (PPM) (7444 PPM)/HEXAVALENT CHROMIUM= SIX THOUSAND SEVEN HUNDRED & TEN PPM (6710 PPM)/TRIVALENT CHROMIUM= SEVEN HUNDRED THIRTY PPM. DUE TO THE HIGH AMOUNT OF CHROMIUM A TOXICITY CHARACTERISTIC LEACHIUNG PROCEDURE WAS CONDUCTED ON THE SAMPLE WHICH SHOWED THE FOLLOWING RESULTS: SIX THOUSAND FIVE HUNDRED & TWENTY PPM CHROMIUM (TCLP 6520 PPM). ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AN AMOUNT OF FIVE PPM (5 PPM) OR GREATER ON A TCLP TEST FOR CHROMIUM IS CONSIDERED A HAZARDOUS WASTE BY CHARACTERISTIC, NAMELY BY TOXICITY. THIS SAMPLE CLEARLY SHOWED THE WASTE IN THE DITCH WAS HAZARDOUS WASTE. WALSH CONFIRMED THAT THE AFOREMENTIONED DITCH FLOWS DIRECTLY INTO THE HOUSTON SHIP CHANNEL. WALSH & ASST DA ERIC BILY PREPARED A SEARCH WARRANT FOR THE FACILITY. WALSH ALSO CONFIRMED THE WEATHER FORECAST FOR THE FOLLOWING DAYS WHICH SHOWED A STRONG CHANCE OF HEAVY THUNDERSTORMS WITH MEASUREABLE AMOUNTS OF RAINFALL. ON 021099 WALSH, BOSQUES AND THE ENVIRONMENTAL SEARCH WARRANT TEAM EXECUTED A SEARCH WARRANT AT THE FACILITY. UPON ARRIVAL WALSH AND BOSQUES OBSERVED A MUCH LARGER AMOUNT OF WHAT APPEARED TO BE CHROMIUM WASTE IN THE DRAINAGE DITCH, APPROX. FIVE HUNDRED TO EIGHT HUNDRED GALLONS (500 TO 800 GAL). ADDITIONAL SAMPLES WERE TAKEN FROM THE DITCH AND ANALYZED. THOSE SAMPLES ALSO SHOWED A TCLP OF FIVE PPM (5 PPM) OR GREATER (TCLP CHROMIUM 4576 PPM). ON THE FACILITIES PROPERTY OTHER ENVIRONMENTAL SAMPLES WERE TAKEN FROM THE SURROUNDING AREA

HARRIS COUNTY  
(FOR T.D.C. AND PAROLE BOARD)  
DATE: OCTOBER 01, 2003

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WHICH ALSO SHOWED TOXIC/HAZARDOUS LEVELS OF CHROMIUM (TCLP 20.4 PPM). AT ONE LOCATION CLOSE TO THE DRAINAGE DITCH A LARGE BLK STAIN WAS OBSERVED ON THE GROUND RIGHT OUTSIDE OF THE WAREHOUSE. AN ENVIRONMENTAL SAMPLE WAS RECOVERED FROM THIS AREA WHICH SHOWED THE FOLLOWING: TOTAL CHROMIUM= 6133 PPM/TOTAL COPPER= 15153 PPM/TOTAL NICKEL= 2303 PPM/TOTAL LEAD= 731 PPM & TOTAL PETROLEUM HYDROCARBONS (TPH) 193300 PPM. FROM THE ANALYTICAL EVIDENCE IT WOULD APPEAR TO BE USED OIL, AND A VIOLATION OF THE USED OIL COLLECTION, MANAGEMENT, RECYCLING ACT. ADDITIONALLY, BOSQUES LOCATED APPROX. FIFTEEN (15) FIFTY-FIVE GALLON DRUMS (55 GAL) OF HAZARDOUS WASTE IN A STORAGE BLDG. TWO SEPERATE SAMPLES WERE TAKEN FROM THE DRUMS WHICH SHOWED THE FOLLOWING: TOTAL CHROMIUM 108682 PPM/TCLP CHROMIUM 3681/TOTAL LEAD 3755/TCLP LEAD 20 PPM/ SAMPLE #2 SHOWED TOTAL CHROMIUM 17555 PPM/TCLP CHROMIUM 291/TOTAL LEAD 3889 PPM/ TCLP LEAD 2 PPM. BASED ON THE INFORMATION RECEIVED FROM THE TNRC AND THE EPA THE DEFENDANT IS NOT A PERMITTED SITE FOR THE STORAGE OF HAZARDOUS WASTE. THE CO-DEFENDANT (PARRISH) WHO WAS GIVEN A NON/CUSTODIAL WARNING STATED THAT HE BELIEVED SOMEONE WHO IS UNKNOWN TO HIM DUMPED THE WASTE IN THE DITCH BUT ACKNOWLEDGED THAT IT WAS GENERATED BY HIM & HIS FACILITY. THE CO-DEFENDANT EVEN SIGNED A WRITTEN CONTRACT WITH THE CITY OF HOUSTON'S ENVIRONMENTAL CONTRACTOR TO START IMMEDIATE ASSESSMENT, REMEDIATION, AND DISPOSAL OF THE WASTE. BASED ON THE AFOREMENTIONED EVIDENCE IT IS BELIEVED THAT THE DEFENDANTS ARE IN VIOLATION OF THE LISTED CHARGES. PRIORS: CRT 179TH 5YRS TDC 9-16-03 \$5,000 FINE

PREPARED BY: HASEMAN, ROGER

NO. 900531

STATE OF TEXAS ) ORIGINAL RECEIVED IN ) IN THE DISTRICT COURT OF  
VS. ) ~~179<sup>TH</sup> DISTRICT~~ ) HARRIS COUNTY, TEXAS  
CLERK'S OFFICE )  
10-22-03 )  
DATE )

CULBERSON ALFRED PARRISH ) 179<sup>TH</sup> DISTRICT COURT  
DEPUTY )

MOTION TO RELEASE DEFENDANT ON COMMUNITY SUPERVISION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CULBERSON ALFRED PARRISH, the Defendant in the above-entitled and numbered cause, and files this his Motion to Release Defendant on Community Supervision ("shock probation"), requesting this Honorable Court to suspend further execution of the sentence and place the Defendant on community supervision as permitted under Article 42.12 § 6 of the Texas Code of Criminal Procedure ("Article 42.12 § 6"), and, in support thereof, would show the Court as follows:

1.

On or about September 11, 2003, following his entry of a plea of no contest in the above entitled and numbered cause, the Defendant was sentenced to five (5) years confinement in the Texas Department of Criminal Justice, Institutional Division and was fined \$5,000.00. The Defendant filed his notice of appeal and withdrew his appeal upon filing with the Court his Notice of Withdrawal of Appeal on or about October 3, 2003. The Defendant has been in custody discharging his sentence since surrendering into custody on the date his Notice of Withdrawal of Appeal was filed. At the time sentenced was imposed, and following dismissal of his appeal, this Court maintains jurisdiction over the case for One Hundred and Eighty (180) days in accordance with Article 42.12 § 6 .

II.

The Defendant would not benefit from further incarceration and is eligible for release on community supervision in that he:

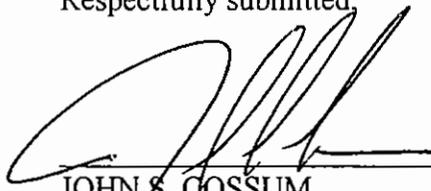
- 1) is otherwise eligible for community supervision under Article 42.12 of the Texas Code of Criminal Procedure; and,
- 2) has never before been incarcerated in a penitentiary serving a sentence for a felony.

III.

The Defendant asks that a hearing be scheduled to determine whether further execution of his sentence should be suspended and whether he should be placed on Community Supervision for the remainder of his sentence as permitted by Article 42.12 § 6..

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court conduct a hearing as prayed herein, that upon hearing, this Honorable Court grant this Motion as prayed, that further execution of his sentence be suspended, that the Defendant be placed on Community Supervision for the remainder of the sentence, and for such other and further relief, at law or in equity, to which the Defendant shows himself justly entitled.

Respectfully submitted,



JOHN S. COSSUM

TSB #04854500

440 Louisiana, Suite 900

Houston, TX 77002

(713) 222-6134

(713) 222-6144

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been delivered to the State of Texas by delivering same via telephonic document transfer on this, the 22<sup>nd</sup> day of October, 2003.



JOHN S. COSSUM



NO. 900531

STATE OF TEXAS )  
 )  
 )  
VS. )  
 )  
 )  
CULBERSON ALFRED PARRISH ) 179<sup>TH</sup> DISTRICT COURT

ORDER GRANTING RELEASE ON COMMUNITY SUPERVISION

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2000, came on to be heard, Defendant Culberson Alfred Parrish's Motion for Release on Community Supervision, and the Court; after considering same, is of the opinion same should be GRANTED.

It is therefore ORDERED that further execution of Defendant's sentence is suspended, and that the Defendant be placed on Community Supervision for the remainder of the sentence under the terms and conditions set forth in the a separate order entered herein.

SIGNED and entered this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JUDGE PRESIDING

M. COASE

## CONDITIONS OF COMMUNITY SUPERVISION

THE STATE OF TEXAS  
VS.

Culberson Alfred Parrish

IN THE 179th DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
CAUSE NUMBER 900531

On this the 26th day of November, 2003, you are granted 5 years community supervision for the felony offense of Hazardous Waste in accordance with section 6 of Article 42.12, Texas Code of Criminal Procedure, in the 179th District Court of Harris County, Texas, by the Honorable J. Michael Wilkinson Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

- (1) Commit no offense against the laws of this or any other State or of the United States.
- (2) Avoid injurious or vicious habits. You are forbidden to use, possess, or consume any controlled substance, dangerous drug, marijuana, alcohol or prescription drug not specifically prescribed to you by lawful prescription. You are forbidden to use, consume, or possess alcoholic beverages.
- (3) Avoid persons or places of disreputable or harmful character, specifically: \_\_\_\_\_.
- (4) Report immediately in person, to the Community Supervision Officer for the 179th District Court on the 26th day of November, 2003 and continue to report to the Community Supervision Officer on the 26th of each month thereafter or as directed by the Community Supervision Officer for the remainder of the supervision term unless so ordered differently by the Court.
- (5) Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.
- (6) Abide by the rules and regulations of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCS&CD). Refrain from disorderly conduct, abusive language or disturbing the peace while present at any HCCS&CD office or facility.
- (7) Work faithfully at suitable employment and present written verification of employment (including all attempts to secure employment) to your Community Supervision Officer on each reporting date. You must notify HCCS&CD within 48 hours of any change in your employment status.
- (8) Remain within a specified place, to wit: Harris County, Texas, or Contiguous Counties. You may not travel outside of Harris County, Texas or Contiguous Counties unless you receive prior written permission from the Court through your Community Supervision Officer. You must notify HCCS&CD within 48 hours of any change of residence.
- (9) Support your dependents as required by law. Provide your Community Supervision Officer with a certified copy of all Court orders requiring payment of child support.
- (10) Submit to random drug/alcohol analysis by authorized personnel of HCCS&CD, including any department having courtesy supervision jurisdiction. Provide proof of any medication legally prescribed to you prior to submitting a specimen.

## CONDITIONS OF COMMUNITY SUPERVISION

FOR: Culberson Alfred Parrish

CAUSE NUMBER: 900531

- (11) Pay the following fees through HCCS&CD as specified herein. All payments MUST be in the form of a money order or cashier's check. Personal checks will not be accepted.
- 11.1 Pay a **Supervision Fee** at the rate of \$30.00 per month for the duration of your community supervision beginning January 26, 2004 to HCCS&CD.
  - 11.2 Pay a **Fine** of \$5,000.00 and **Court Costs** of \$\_\_\_\_\_ at the rate of \$100.00 per month beginning January 26, 2004 to Harris County through HCCS&CD.
  - 11.3 Pay **Laboratory Fees** of \$5.00 per month for the duration of your community supervision beginning January 26, 2004 to HCCS&CD.
  - 11.4 Pay a \$10.00 fee for an **Offender Identification Card** by January 26, 2004 to HCCS&CD.
  - 11.5 Pay \$50.00 to **Crime Stoppers of Houston** by January 26, 2004 through HCCS&CD.
- (12) Report in person to HCCS&CD by December 26, 2003 for the purpose of creating and obtaining your **Offender Identification Card**. You are to carry this identification card on your person at all times.
- (13) Submit to an **alcohol/drug evaluation** by February 26, 2004, and at anytime thereafter as directed by your Community Supervision Officer. Attend treatment and aftercare as recommended or as designated by the Court, including but not limited to the **STAR Drug Court Program**. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.
- (14) Participate in the HCCS&CD **Maximum Supervision Program** any time that you are assessed by HCCS&CD to require maximum supervision. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court.
- (15) Submit to an evaluation of your **educational skill level** by January 26, 2004. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in the HCCS&CD program that teaches functionally illiterate persons to read.

**CONDITIONS OF COMMUNITY SUPERVISION**

FOR: Culberson Alfred Parrish

CAUSE NUMBER: 900531

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Community Supervision expires the 25th day of November A.D. \_\_\_\_\_

\_\_\_\_\_  
Culberson Alfred Parrish, DEFENDANT

December 2, 2003  
DATE

Signed this 2<sup>nd</sup> day of December A.D 2003

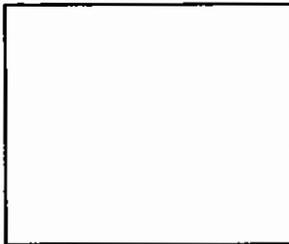
\_\_\_\_\_  
J. Michael Wilkinson, PRESIDING JUDGE

\_\_\_\_\_  
James McCabe, COURT LIAISON OFFICER

December 2, 2003  
DATE

SPN: 01907076

PLEA: Guilty



Defendant's Right Thumbprint

# Turbine Chrome Services, Inc. Case Photos































































