

Bulldog Tire Recycling, Inc.

RN103042495

Docket No. 2011-1549-MSW-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

706 Genoa Red Bluff Road, Houston, Harris County

Type of Operation:

unauthorized municipal solid waste ("MSW") facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: September 28, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$45,000

Total Paid to General Revenue: \$1,425

Total Due to General Revenue: \$43,575

Payment Plan: 35 payments of \$1,245 each

Compliance History Classifications:

Person/CN – Not yet rated

Site/RN – Not yet rated

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Bulldog Tire Recycling, Inc.
RN103042495
Docket No. 2011-1549-MSW-E

Investigation Information

Complaint Date(s): November 04, 2009
Complaint Information: Alleged unauthorized transporting and stockpiling of scrap tires.
Date(s) of Investigation: June 1 - 23, 2011
Date(s) of NOV(s): N/A
Date(s) of NOE(s): August 24, 2011

Violation Information

Failed to prevent the unauthorized storage or disposal of MSW (approx. 27,975 tons of scrap tires and shredded tire pieces; 424 cubic yards of waste that includes treated wood, household garbage, concrete, metal, plastic, five 55-gallon drums of unknown contents; nine 5-gallon buckets of unknown contents; one 5-gallon gas can; five used oil filters; and four 5-gallon buckets of oil), and failed to prevent the unauthorized discharge of waste into or adjacent to water in the state (a 55-gallon drum of unknown content was leaking and stained soil was observed on the ground) [TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 330.15(a)(1) and (a)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Immediately cease storing or disposing any additional MSW, including but not limited to scrap tires and scrap tire pieces, wood, garbage, used oil and used oil filters and oil stained soil at the Facility.
2. Within 30 days, remove the scrap tires and scrap tire pieces and MSW, including but not limited to scrap tires and scrap tire pieces, wood, garbage, used oil and used oil filters and oil stained soil from the Facility, and dispose of it at an authorized facility.
3. Within 45 days, submit an Affected Property Assessment Report. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program.
4. Within 60 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: October 27, 2011; May 25, 2012
Date Answer(s) Filed: December 8, 2011
SOAH Referral Date: January 12, 2012
Hearing Date(s):
Preliminary hearing: February 23, 2011 (waived)
Evidentiary hearing: August 30, 2012 (scheduled)
Settlement Date: August 20, 2012

Bulldog Tire Recycling, Inc.

RN103042495

Docket No. 2011-1549-MSW-E

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Scott Humphrey, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, (512) 239-0577

TCEQ Regional Contact: Nicole Bealle, Houston Regional Office, (713) 767-3500

Respondent: Theodore Theilen, President, Bulldog Tire Recycling, Inc., 1400 South Travis,
Cleveland, Texas 77327

Respondent's Attorney: Danny M. Sheena, P.E., The Binz Law Center, 1001 Texas Avenue,
Suite 240, Houston, Texas 77002

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Aug-2011	Screening	30-Aug-2011	EPA Due	
	PCW	30-Aug-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	BULLDOG TIRE RECYCLING, INC.					
Reg. Ent. Ref. No.	RN103042495					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	42419	No. of Violations	1			
Docket No.	2011-1549-MSW-E	Order Type	Findings			
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Rajesh Acharya			
		EC's Team	Enforcement Team 6			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for a compliance history.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$15,000
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Total EB Amounts	\$97,380	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,594,429	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$45,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$45,000
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Screening Date 30-Aug-2011

Docket No. 2011-1549-MSW-E

PCW

Respondent BULLDOG TIRE RECYCLING, INC.

Policy Revision 2 (September 2002)

Case ID No. 42419

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103042495

Media [Statute] Municipal Solid Waste

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for a compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 30-Aug-2011

Docket No. 2011-1549-MSW-E

PCW

Respondent BULLDOG TIRE RECYCLING, INC.

Policy Revision 2 (September 2002)

Case ID No. 42419

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103042495

Media [Statute] Municipal Solid Waste

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(a)(1), (a)(3) and Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent the unauthorized storage or disposal of municipal solid waste. Specifically, a TCEQ investigator documented 27,975 tons of scrap tires and shredded tire pieces, 424 cubic yards of waste that includes treated wood, household garbage, concrete, metal, plastic, and other miscellaneous waste at the Facility. Also, the investigator observed five drums of unknown contents, nine buckets of unknown contents, one gas can, five used oil filters, and four buckets of oil. One of the five drums of unknown content was leaking and staining was observed on the ground.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (100%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 3 Number of violation days 90

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$30,000

Three monthly events are recommended from the June 1, 2011 investigation date to the August 30, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97,380

Violation Final Penalty Total \$45,000

This violation Final Assessed Penalty (adjusted for limits) \$45,000

Economic Benefit Worksheet

Respondent BULLDOG TIRE RECYCLING, INC.
Case ID No. 42419
Reg. Ent. Reference No. RN103042495
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,594,429	1-Jun-2011	1-Mar-2012	0.75	\$97,380	n/a	\$97,380
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the excess scrap tires and shredded tire pieces and MSW from the Facility and dispose of it at an authorized facility. Date Required is the investigation date. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,594,429

TOTAL

\$97,380

Compliance History

Customer/Respondent/Owner-Operator: CN603187337 Bulldog Tire Recycling, Inc. Classification: Rating:
Regulated Entity: RN103042495 BULLDOG PROPERTY Classification: Rating:
ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER 455120037
Location: 706 GENOA RED BLUFF RD, HOUSTON, TX, 77034
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: August 30, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 31, 2006 to August 31, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Rajesh Acharya Phone: (512) 239-0577

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 12/14/2006 (532851)
 - 2 08/24/2011 (942728)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BULLDOG TIRE RECYCLING, INC.;
RN103042495**

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§
§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-1549-MSW-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Bulldog Tire Recycling, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Danny M. Sheena of the law firm The Binz Law Center, presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates real property located at 706 Genoa Red Bluff Road in Houston, Harris County, Texas (the "Facility"). The Facility involves the management and/or the disposal of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted from June 1, 2011, through June 23, 2011, a TCEQ Houston Regional Office investigator documented that Respondent failed to prevent the unauthorized storage or disposal MSW, and failed to prevent the unauthorized discharge of waste into or adjacent to water in the state. Specifically, a TCEQ investigator documented 27,975 tons of scrap tires and shredded tire pieces; 424 cubic yards of waste that includes treated wood, household garbage, concrete, metal, plastic, and other miscellaneous waste at the Facility; five 55-gallon drums of unknown contents; nine 5-gallon buckets of unknown contents; one 5-gallon gas can; five used oil filters; and four 5-gallon buckets of oil at the Facility. One of the five 55-gallon drums of unknown

content was leaking, and staining was observed on the ground. Soil samples were taken at eight on-site locations and two-off site locations (at the bottom of a drainage ditch outside the west property fence line, north of west entrance gate). Four of the ten samples showed exceedences of Texas Risk Reduction Program ("TRRP") established protection concentration levels ("PCLs") for total petroleum hydrocarbon ("TPH"). Seven of the ten samples, including the off-site locations, showed exceedences for TPH for ground water soil ingestion pathway. All ten samples showed exceedences of established action levels (ground water soil ingestion pathway) for Resource Conservation and Recovery Act ("RCRA") metals, including lead, arsenic, and mercury. The Facility is located in the San Jacinto River Basin, stream segment 1007.

3. Respondent received notice of the violations on or about August 29, 2011.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent the unauthorized storage or disposal of MSW, and failed to prevent the unauthorized discharge of waste into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1) and 30 TEX. ADMIN. CODE § 330.15(a)(1) and (a)(3).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission=s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of forty-five thousand dollars (\$45,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid one thousand four hundred twenty-five dollars (\$1,425.00) of the administrative penalty. The remaining amount of forty-three thousand five hundred seventy-five dollars (\$43,575.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of one thousand two hundred forty-five dollars (\$1,245.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this

action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Bulldog Tire Recycling, Inc., Docket No. 2011-1549-MSW-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

2. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Respondent shall cease storing or disposing any additional MSW, including but not limited to scrap tires and scrap tire pieces, wood, garbage, used oil and used oil filters and oil stained soil at the Facility;
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall remove the scrap tires and scrap tire pieces and MSW, including but not limited to scrap tires and scrap tire pieces, wood, garbage, used oil and used oil filters and oil stained soil from the Facility, and dispose of it at an authorized facility;
 - c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit an Affected Property Assessment Report, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, Respondent shall comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(I)); and Institutional Controls under Subchapter F; and
 - d. Within 60 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Nicole Bealle, Waste Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Ave., Ste. H
Houston, Texas 77023

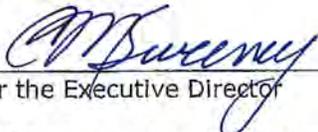
3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
7. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



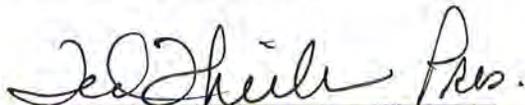
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Bulldog Tire Recycling, Inc., and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

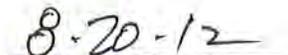
I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

- A negative Impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Theodore Theilen, President
Bulldog Tire Recycling, Inc.



Date