

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 44137  
CENTRAL STATE SHINGLE RECYCLING LLC  
RN106192594 and RN101838456  
Docket No. 2012-0976-WQ

**Order Type:**

Default Order

**Findings Order Justification:**

N/A

**Media:**

WQ

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

600 block of South Railroad Street, Lewisville, Denton County (Lewisville Site)  
4912 Dozier Road, Hebron, Denton County (Hebron Site)

**Type of Operation:**

two scrap and waste recycling sites

**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:** November 23, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$5,350

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$5,350

**Compliance History Classifications:**

Person/CN –Average  
Site/RN –Average by Default (Both sites)

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 44137  
CENTRAL STATE SHINGLE RECYCLING LLC  
RN106192594 and RN101838456  
Docket No. 2012-0976-WQ

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** February 29, 2012  
**Date(s) of NOV(s):** December 9, 2011 (Hebron Site);  
December 14, 2011 (Lewisville Site)  
**Date(s) of NOE(s):** April 11, 2012

**Violation Information**

Failed to obtain authorization for the Sites to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR050000 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**  
Respondent no longer operates or has access to the Sites.

**Technical Requirements:**  
N/A

**Litigation Information**

**Date Petition(s) Filed:** September 19, 2012  
**Date Green Card(s) Signed:** September 20, 2012  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Jeffrey Huhn, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Amy Swanholm, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, (817) 588-5886

**TCEQ Regional Contact:** Sid Slocum, DFW Regional Office, (817) 588-5800

**Respondent:** Donald "Eric" Hennen and Scott Yelton, Managing Members, central state shingle recycling LLC, 3313 Red Rock Drive, Moore, Oklahoma 73165

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Apr-2012	<b>Screening</b>	27-Apr-2012	<b>EPA Due</b>	
	<b>PCW</b>	11-May-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	central state shingle recycling LLC		
<b>Reg. Ent. Ref. No.</b>	RN106192594		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44137	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0976-WQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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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.

<b>Compliance History</b>	7.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$175
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Notes: Enhancement for one NOV with dissimilar violations and one NOV with same/similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$116	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,675
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,675
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,675
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$2,675
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**Screening Date** 27-Apr-2012

**Docket No.** 2012-0976-WQ-E

**PCW**

**Respondent** central state shingle recycling LLC

Policy Revision 3 (September 2011)

**Case ID No.** 44137

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN106192594

**Media [Statute]** Water Quality

**Enf. Coordinator** Cheryl Thompson

### 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> )	1	5%
	Other written NOVs	1	2%
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)** 7%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with dissimilar violations and one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 7%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 7%

Screening Date 27-Apr-2012

Docket No. 2012-0976-WQ-E

PCW

Respondent central state shingle recycling LLC

Policy Revision 3 (September 2011)

Case ID No. 44137

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106192594

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to obtain authorization to discharge stormwater associated with industrial activities under the Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector Industrial General Permit ("MSGP") No. TXR050000.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 58 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

Two monthly events are recommended from the period of February 29, 2012 (investigation date) to April 27, 2012 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$116

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

## Economic Benefit Worksheet

**Respondent** central state shingle recycling LLC  
**Case ID No.** 44137  
**Reg. Ent. Reference No.** RN106192594  
**Media** Water Quality  
**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				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	4-Nov-2011	31-Dec-2012	1.16	\$116	n/a	\$116
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with preparing and submitting a Notice of Intent to obtain authorization and developing and implementing a storm water pollution prevention plan. Date required is the date the violation was first documented. Final date is the projected 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

\$2,000

**TOTAL**

\$116



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Apr-2012	<b>Screening</b>	27-Apr-2012	<b>EPA Due</b>	
	<b>PCW</b>	13-Sep-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>						
<b>Respondent</b>	central state shingle recycling LLC					
<b>Reg. Ent. Ref. No.</b>	RN101838456					
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor			

<b>CASE INFORMATION</b>						
<b>Enf./Case ID No.</b>	44137	<b>No. of Violations</b>	1			
<b>Docket No.</b>	2012-0976-WQ-E	<b>Order Type</b>	1660			
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No			
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson			
		<b>EC's Team</b>	Enforcement Team 3			
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000			

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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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.

<b>Compliance History</b>	7.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$175
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Notes: Enhancement for one NOV for dissimilar violations and one NOV with same/similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$116	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,675
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,675
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,675
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$2,675
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**Screening Date** 27-Apr-2012

**Docket No.** 2012-0976-WQ-E

**PCW**

**Respondent** central state shingle recycling LLC

Policy Revision 3 (September 2011)

**Case ID No.** 44137

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101838456

**Media [Statute]** Water Quality

**Enf. Coordinator** Cheryl Thompson

### 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> )	1	5%
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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)** 7%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV for dissimilar violations and one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 7%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 7%

Screening Date 27-Apr-2012

Docket No. 2012-0976-WQ-E

PCW

Respondent central state shingle recycling LLC

Policy Revision 3 (September 2011)

Case ID No. 44137

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101838456

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to obtain authorization to discharge stormwater associated with industrial activities under the Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector Industrial General Permit ("MSGP") No. TXR050000.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 58 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Two monthly events are recommended from the period of February 29, 2012 (investigation date) to April 27, 2012 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$116

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

## Economic Benefit Worksheet

**Respondent** central state shingle recycling LLC  
**Case ID No.** 44137  
**Reg. Ent. Reference No.** RN101838456  
**Media** Water Quality  
**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				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	4-Nov-2011	31-Dec-2012	1.16	\$116	n/a	\$116
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with preparing and submitting a Notice of Intent to obtain authorization and developing and implementing a stormwater pollution prevention plan. Date required is the date the violation was first documented. Final date is the projected 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

\$2,000

**TOTAL**

\$116

## Compliance History Report

Customer/Respondent/Owner-Operator: CN603939265 central state shingle recycling LLC Classification: AVERAGE  
 Rating: 3.01  
 Regulated Entity: RN106192594 CENTRAL STATE SHINGLE RECYCLING LEWISVILLE Classification: AVERAGE BY DEFAULT  
 Site Rating: 3.01  
 ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER 455040196  
 Location: 600 BLOCK SOUTH RAILROAD ST, LEWISVILLE TX 75057  
 TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: May 09, 2012  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: May 09, 2007 to May 09, 2012  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Cheryl Thompson Phone: (817) 588-5886

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? NO
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: 9/1/2011 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. (CEEDS Inv. Track. No.)
 

1	04/27/2012	(1001896)
2	09/15/2011	(949080)
3	11/21/2011	(968297)
4	12/12/2011	(971154)
5	03/06/2012	(989166)
6	04/11/2012	(996197)
- E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)
 

<b>Date: 09/12/2011 (949080)</b>	
Self Report?	NO
Citation:	30 TAC Chapter 330, SubChapter A 330.15(c)
Description:	Failure to prevent the disposal of municipal solid waste at an unauthorized facility.
<b>Date: 12/14/2011 (971154)</b>	
Self Report?	NO
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description:	Failure to obtain authorization to discharge storm water associated with industrial activities. At the time of the investigation, Central State Shingle Recycling was documented operating a recycling site located at approximately 601 S. Railroad St., Lewisville, TX without proper authorization to discharge storm water.
- 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

## Compliance History Report

Customer/Respondent/Owner-Operator: CN603939265 central state shingle recycling LLC  
 Regulated Entity: RN101838456 4912 DOZIER ROAD  
 ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED  
 Location: 4912 Dozier Rd, Hebron, TX 75010  
 TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: May 09, 2012  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: May 09, 2007 to May 09, 2012  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Cheryl Thompson Phone: (817) 588-5886

Classification: AVERAGE  
 Rating: 3.01  
 Classification: AVERAGE BY DEFAULT  
 Site Rating: 3.01  
 ID NUMBER 455040194

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? NO
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: 9/1/2011 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 09/15/2011
    - 2 11/21/2011 (968294)
    - 3 12/07/2011 (970542)
    - 4 03/07/2012 (989163)
    - 5 04/11/2012 (996063)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

**Date: 09/12/2011 (949549)**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)  
 Description: Failure to prevent the disposal of municipal solid waste at an unauthorized facility.

**Date: 12/09/2011 (970542)**

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Description: Failure to obtain authorization to discharge storm water associated with industrial activities. At the time of the investigation, Central State Shingle Recycling was documented operating a recycling site located at 4912 Dozier Rd., Hebron, TX without proper authorization to discharge storm water.
  - 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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CENTRAL STATE SHINGLE  
RECYCLING LLC;  
RN106192594 AND  
RN101838456**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-0976-WQ-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is central state shingle recycling LLC ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns and operates two scrap and waste recycling sites located at the 600 block of South Railroad Street in Lewisville, Denton County, Texas (RN106192594) ("Lewisville Site") and 4912 Dozier Road in Hebron, Denton County, Texas (RN101838456) ("Hebron Site") (collectively referred to as the "Sites"). The Sites adjoin, are contiguous with, surround, or are near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted at the Lewisville Site on February 29, 2012, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent failed to obtain authorization to discharge stormwater associated with industrial activities under the Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector Industrial General Permit ("MSGP") No. TXR050000.
3. During an investigation conducted at the Hebron Site on February 29, 2012, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent failed to obtain authorization to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR050000.
4. Respondent received notice of the violations on or about April 16, 2012.
5. The Executive Director recognizes that Respondent no longer operates or has access to the Sites.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of central state shingle recycling LLC" (the "EDPRP") in the TCEQ Chief Clerk's office on September 19, 2012.

7. By letter dated September 19, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on September 20, 2012, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

### **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 and the rules of the Commission.
2. As evidenced by Findings of Fact Nos. 2 and 3, Respondent failed to obtain authorization for the Sites to discharge stormwater associated with industrial activities under TPDES MSGP No. TXR050000, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c).
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. 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.
6. An administrative penalty in the amount of five thousand three hundred fifty dollars (\$5,350.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of five thousand three hundred fifty dollars (\$5,350.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: central state shingle recycling LLC; Docket No. 2012-0976-WQ-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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. If Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JEFFREY J. HUHNS**

**STATE OF TEXAS**

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**COUNTY OF BEXAR**

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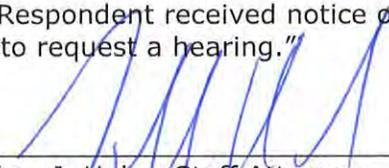
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"My name is Jeffrey J. Huhn. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of central state shingle recycling LLC" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 19, 2012.

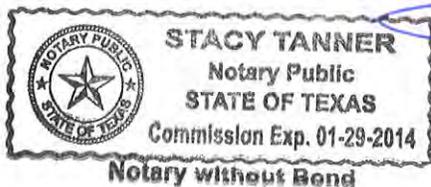
The EDPRP was mailed to Respondent's last known address on September 19, 2012 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 20, 2012, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

  
\_\_\_\_\_  
Jeffrey J. Huhn, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jeffrey J. Huhn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 23<sup>rd</sup> day of October, A.D. 2012.



  
\_\_\_\_\_  
Notary Signature