

Executive Summary – Enforcement Matter – Case No. 49475  
RED'S INDOOR RANGE NORTH, INC.  
RN107212557  
Docket No. 2014-1509-IHW-E

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

Yes

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

Red's Indoor Range North, 1908 Pecan Street West, Pflugerville, Travis County

**Type of Operation:**

Indoor firing range

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: N/A

**Texas Register Publication Date:** August 28, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,001

**Amount Deferred for Expedited Settlement:** \$3,600

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,401

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major or Minor Source:** Minor

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 11, 2014

**Date(s) of NOE(s):** September 24, 2014

**Executive Summary – Enforcement Matter – Case No. 49475**  
**RED'S INDOOR RANGE NORTH, INC.**  
**RN107212557**  
**Docket No. 2014-1509-IHW-E**

***Violation Information***

1. Failed to conduct hazardous waste determinations and waste classifications. Specifically, hazardous waste determinations and waste classifications were not performed for the used rubber mats at the Facility [30 TEX. ADMIN. CODE §§ 335.62, 335.504, and 335.513 and 40 CODE OF FEDERAL REGULATIONS § 262.11].
2. Caused, suffered, allowed, or permitted the unauthorized storage and disposal of municipal hazardous waste. Specifically, the Respondent stored lead-contaminated rubber mats at the Facility, and subsequently disposed of them at a facility not authorized to accept the waste [30 TEX. ADMIN. CODE § 335.2].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. Submitted documentation demonstrating that hazardous waste determinations and waste classifications were conducted for the used rubber mat waste stream on April 30, 2014; and
- b. Obtained authorization to store hazardous waste at the Facility on August 12, 2014.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 49475**  
**RED'S INDOOR RANGE NORTH, INC.**  
**RN107212557**  
**Docket No. 2014-1509-IHW-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Keith Frank, Enforcement Division,  
Enforcement Team 6, MC 128, (512) 239-1203; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** N/A

**Respondent:** Red Hyman, Owner/Operator, RED'S INDOOR RANGE NORTH, INC.,  
1908 Pecan Street West, Pflugerville, Texas 78660-3540  
Karen S. Ziegler, Owner/Corporate Secretary, RED'S INDOOR RANGE NORTH, INC.,  
1908 Pecan Street West, Pflugerville, Texas 78660-3540

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	29-Sep-2014	<b>Screening</b>	3-Oct-2014	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	RED'S INDOOR RANGE NORTH, INC.	
<b>Reg. Ent. Ref. No.</b>	RN107212557	
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	49475	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-1509-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Keith Frank
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
 Estimated Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

**Screening Date** 3-Oct-2014

**Docket No.** 2014-1509-IHW-E

**PCW**

**Respondent** RED'S INDOOR RANGE NORTH, INC.

Policy Revision 4 (April 2014)

**Case ID No.** 49475

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN107212557

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Keith Frank

### 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	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 judgments 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)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same/similar violations.

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

>> **Final Compliance History Adjustment**

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

Screening Date 3-Oct-2014

Docket No. 2014-1509-IHW-E

PCW

Respondent RED'S INDOOR RANGE NORTH, INC.

Policy Revision 4 (April 2014)

Case ID No. 49475

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107212557

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.504, and 335.513 and 40 Code of Federal Regulations § 262.11

Violation Description Failed to conduct hazardous waste determinations and waste classifications. Specifically, hazardous waste determinations and waste classifications were not performed for the used rubber mats at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

19 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One monthly event is recommended from the April 11, 2014 investigation date to the April 30, 2014 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes The Respondent came into compliance on April 30, 2014, prior to the Notice of Enforcement ("NOE") dated September 24, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$3,001

This violation Final Assessed Penalty (adjusted for limits) \$3,001

# Economic Benefit Worksheet

**Respondent** RED'S INDOOR RANGE NORTH, INC.  
**Case ID No.** 49475  
**Reg. Ent. Reference No.** RN107212557  
**Media** Industrial and Hazardous 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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,200	11-Apr-2014	30-Apr-2014	0.05	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to conduct waste determinations and waste classifications. Date Required is the investigation date. Final Date is the 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

<b>Approx. Cost of Compliance</b>	\$4,200	<b>TOTAL</b>	\$11
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Screening Date 3-Oct-2014

Docket No. 2014-1509-IHW-E

PCW

Respondent RED'S INDOOR RANGE NORTH, INC.

Policy Revision 4 (April 2014)

Case ID No. 49475

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107212557

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.2

Violation Description

Respondent caused, suffered, allowed, or permitted the unauthorized storage and disposal of municipal hazardous waste. Specifically, the Respondent stored lead-contaminated rubber mats at the Facility, and subsequently disposed of them at a facility not authorized to accept the waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five monthly events are recommended based on documentation of the violation during the April 11, 2014 investigation to the August 12, 2014 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$4,687

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on August 12, 2014, prior to the NOE dated September 24, 2014.

Violation Subtotal \$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$15,001

This violation Final Assessed Penalty (adjusted for limits) \$15,001

# Economic Benefit Worksheet

**Respondent** RED'S INDOOR RANGE NORTH, INC.  
**Case ID No.** 49475  
**Reg. Ent. Reference No.** RN107212557  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

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	\$10,000	11-Apr-2014	12-Aug-2014	0.34	\$168	n/a	\$168
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to obtain a permit or authorization for the storage of hazardous waste. Date Required is the investigation date. Final Date is the 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**

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$168
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# Compliance History Report

**PENDING** Compliance History Report for CN604554626, RN107212557, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604554626, RED'S INDOOR RANGE NORTH, INC. **Classification:** SATISFACTORY **Rating:** 0.80

**Regulated Entity:** RN107212557, Red's Indoor Range North **Classification:** SATISFACTORY **Rating:** 0.80

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 1908 PECAN ST W, PFLUGERVILLE, TX 78660-3540, TRAVIS COUNTY

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXR000082001

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 95748

**INDUSTRIAL AND HAZARDOUS WASTE**  
**NONPERMITTED** ID NUMBER R1107212557

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** October 3, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 3, 2009 to October 3, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Keith Frank

**Phone:** (512) 239-1203

**Site and Owner/Operator History:**

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, 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

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 05/23/2014 (1159988)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
30 TAC Chapter 335, SubChapter C 335.78(f)(1)  
30 TAC Chapter 335, SubChapter C 335.78(g)(1)  
30 TAC Chapter 335, SubChapter R 335.504(3)  
30 TAC Chapter 335, SubChapter R 335.511  
30 TAC Chapter 335, SubChapter R 335.513  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)

Description: Failure to make hazardous waste determinations and waste classifications at the point of generation for all solid waste streams.

**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  
RED'S INDOOR RANGE  
NORTH, INC.  
RN107212557**

§  
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§  
§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-1509-IHW-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RED'S INDOOR RANGE NORTH, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an indoor firing range at 1908 Pecan Street West in Pflugerville, Travis County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 29, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand One Dollars (\$18,001) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Four Hundred One

Dollars (\$14,401) of the administrative penalty and Three Thousand Six Hundred Dollars (\$3,600) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Submitted documentation demonstrating that hazardous waste determinations and waste classifications were conducted for the used rubber mat waste stream on April 30, 2014; and
  - b. Obtained authorization to store hazardous waste at the Facility on August 12, 2014.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.504, and 335.513 and 40 CODE OF FEDERAL REGULATIONS § 262.11, as documented during an investigation conducted on April 11, 2014. Specifically, hazardous waste determinations and waste classifications were not performed for the used rubber mats at the Facility.
2. Caused, suffered, allowed, or permitted the unauthorized storage and disposal of municipal hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.2, as documented

during an investigation conducted on April 11, 2014. Specifically, the Respondent stored lead-contaminated rubber mats at the Facility, and subsequently disposed of them at a facility not authorized to accept the waste.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: RED'S INDOOR RANGE NORTH, INC., Docket No. 2014-1509-IHW-E" to:  

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Permi Mowik*  
For the Executive Director

9/2/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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, if any, in this 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

*Karen S Zigler*  
Signature

7-29-2015  
Date

KAREN S Zigler  
Name (Printed or typed)  
Authorized Representative of  
RED'S INDOOR RANGE NORTH, INC.

OWNER/Corporate Secretary  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.