

Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station  
RN102458429  
Docket No. 2020-0606-MSW-E

**Order Type:**  
Default Order

**Media:**  
MSW

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
301 West Main Street, Olney, Young County

**Type of Operation:**  
municipal solid waste, including scrap tires

**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:** October 1, 2021

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$36,504

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

**Total Due to General Revenue:** \$36,504

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Date(s) of Investigation:** March 4, 2020

**Date(s) of NOV(s):** See Compliance History – Related NOVs

**Date(s) of NOE(s):** March 27, 2020

**Violation Information**

1. Failed to ensure that scrap tires are transported by a registered transporter to an authorized facility, [30 TEX. ADMIN. CODE § 328.56(b)].
2. Failed to use manifests, work orders, invoices, or other records to document the removal and management of all scrap tires generated at the Facility, [30 TEX. ADMIN. CODE § 328.56(c)].
3. Failed to obtain a generator registration number from the Executive Director prior to storing more than 500 tires at the Facility, and failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or more than 2,000 used

**Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station**  
**RN102458429**  
**Docket No. 2020-0606-MSW-E**

or scrap tires in enclosed and lockable containers [TEX. HEALTH & SAFETY CODE § 361.112(a), 30 TEX. ADMIN. CODE §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a)].

4. Failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks, [30 TEX. ADMIN. CODE § 328.56(d)(4)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately cease storing any additional used tires and/or scrap tires at the Facility until proper authorization is obtained.
2. Within 30 days:
  - a. Implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility;
  - b. Ensure manifests, work orders, invoices, or other records documenting the removal and management of all scrap tires generated at the Facility are completed and maintained at the Facility;
  - c. Obtain tire generator and scrap tire storage site registrations for the Facility or reduce the number of tires to less than 500 used or scrap tires on the ground or 2000 used or scrap tires in trailers or lockable containers; and
  - d. Establish and implement a consistent vector control program utilizing appropriate measures.
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1. through 2.d.

**Litigation Information**

**Date Petition(s) Filed:** March 19, 2021; April 14, 2021  
**Date Green Card(s) Signed:** unclaimed; unclaimed  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, Litigation, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Stephanie McCurley, Enforcement, (512) 239-2607  
**TCEQ Regional Contact:** Michael Taylor, Abilene Regional Office, (325) 698-9674  
**Respondent Contact:** Mark Corwin and Rosanna Corwin, 301 West Main Street, Olney, Texas 76374  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	30-Mar-2020	<b>Screening</b>	10-Apr-2020	<b>EPA Due</b>	
	<b>PCW</b>	23-Nov-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station		
<b>Reg. Ent. Ref. No.</b>	RN102458429		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59232	<b>No. of Violations</b>	4
<b>Docket No.</b>	2020-0606-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Waste Tires	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 7
<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>	\$28,000
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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.

<b>Compliance History</b>	<b>30.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$8,400
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Notes: Enhancement for one previous NOV with same/similar violations and one previous default order.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes: The Respondents do 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>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$955  
Estimated Cost of Compliance: #NAME?  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$36,400
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.3%</b>	<b>Adjustment</b>	\$104
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 4.

<b>Final Penalty Amount</b>	\$36,504
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$36,504
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$36,504
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<b>Screening Date</b>	10-Apr-2020	<b>Docket No.</b>	2020-0606-MSW-E	<b>PCW</b>
<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station			
<b>Case ID No.</b>	59232			
<b>Reg. Ent. Reference No.</b>	RN102458429			
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Stephanie McCurley			

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	1	25%
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%
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)** 30%

### >> Repeat Violator (Subtotal 3)

No

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

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

Satisfactory Performer

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

### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one previous NOV with same/similar violations and one previous default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 30%

<b>Screening Date</b>	10-Apr-2020	<b>Docket No.</b>	2020-0606-MSW-E	<b>PCW</b>
<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station			
<b>Case ID No.</b>	59232	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN102458429	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 328.56(b)			
<b>Violation Description</b>	Failed to ensure that scrap tires are transported by a registered transporter to an authorized facility. Specifically, the Respondents did not provide documentation from a registered transporter ensuring that scrap tires were transported to an authorized facility.			
			<b>Base Penalty</b>	\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$17,500
<b>\$7,500</b>	

  

**Violation Events**

Number of Violation Events	2	37	Number of violation days
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	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

  

<b>Violation Base Penalty</b>	\$15,000
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Two monthly events are recommended from the March 4, 2020 investigation date to the April 10, 2020 screening date.	
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<b>Good Faith Efforts to Comply</b>	<b>0.0%</b>	<b>Reduction</b>	\$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				

  

Notes	The Respondents do not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$15,000
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
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<b>Estimated EB Amount</b>	\$74	<b>Violation Final Penalty Total</b>	\$19,556
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$19,556

# Economic Benefit Worksheet

**Respondent** Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station  
**Case ID No.** 59232  
**Reg. Ent. Reference No.** RN102458429  
**Media** Waste Tires  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## 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)	\$1,000	5-Aug-2019	24-Jan-2021	1.47	\$74	n/a	\$74

### Notes for DELAYED costs

Estimated delayed cost to implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$74

<b>Screening Date</b>	10-Apr-2020	<b>Docket No.</b>	2020-0606-MSW-E	<b>PCW</b>
<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station			
<b>Case ID No.</b>	59232	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN102458429	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 328.56(c)			
<b>Violation Description</b>	Failed to use manifests, work orders, invoices, or other records to document the removal and management of all scrap tires generated at the Facility.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				<b>Percent</b>
Potential				0.0%	

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
		x			<b>Percent</b>

  

Matrix Notes	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$21,250
	\$3,750

  

**Violation Events**

Number of Violation Events	1		37	Number of violation days
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	daily		<b>Violation Base Penalty</b>	\$3,750
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	<b>Reduction</b>	\$0
Extraordinary				
Ordinary				
N/A	x			

  

Notes	The Respondents do not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$3
	<b>Violation Final Penalty Total</b>
	\$4,889
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$4,889	

# Economic Benefit Worksheet

**Respondent** Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station  
**Case ID No.** 59232  
**Reg. Ent. Reference No.** RN102458429  
**Media** Waste Tires  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## 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	\$45	5-Aug-2019	24-Jan-2021	1.47	\$3	n/a	\$3
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to use and maintain records to document the removal and management of tires. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$3



<b>Screening Date</b>	10-Apr-2020	<b>Docket No.</b>	2020-0606-MSW-E	<b>PCW</b>
<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station			
<b>Case ID No.</b>	59232	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN102458429	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	<input type="text" value="3"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a) and Tex. Health & Safety Code § 361.112(a)			
<b>Violation Description</b>	Failed to obtain a generator registration number from the Executive Director prior to storing more than 500 tires at the Facility, and failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 3,920 scrap tires were stored on the ground at the Facility.			
<b>Base Penalty</b>				<input type="text" value="\$25,000"/>

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="0.0%"/>

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="15.0%"/>
100% of the rule requirement was not met.					
<b>Adjustment</b>					<input type="text" value="\$21,250"/>

  

**Violation Events**

Number of Violation Events	<input type="text" value="2"/>		<input type="text" value="37"/>	Number of violation days
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="margin-bottom: 2px;">daily</div> <div style="margin-bottom: 2px;">weekly</div> <div style="margin-bottom: 2px;">monthly</div> <div style="margin-bottom: 2px;">quarterly</div> <div style="margin-bottom: 2px;">semiannual</div> <div style="margin-bottom: 2px;">annual</div> <div style="margin-bottom: 2px;">single event</div> </div>	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px; text-align: center;">x</div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> <div style="margin-bottom: 2px;"><input type="text"/></div> </div>		
<b>Violation Base Penalty</b>				<input type="text" value="\$7,500"/>

Two monthly events are recommended from the March 4, 2020 investigation date to the April 10, 2020 screening date.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<input type="text"/>	
Notes	The Respondents do not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			<input type="text" value="\$7,500"/>

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<input type="text" value="\$737"/>
<b>Violation Final Penalty Total</b>	<input type="text" value="\$9,778"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
<input type="text" value="\$9,778"/>	

# Economic Benefit Worksheet

**Respondent** Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station  
**Case ID No.** 59232  
**Reg. Ent. Reference No.** RN102458429  
**Media** Waste Tires  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## 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	5-Aug-2019	24-Jan-2021	1.47	\$737	n/a	\$737
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain tire generator and scrap tire storage site registrations for the Facility. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$737

<b>Screening Date</b>	10-Apr-2020	<b>Docket No.</b>	2020-0606-MSW-E	<b>PCW</b>
<b>Respondent</b>	Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station			
<b>Case ID No.</b>	59232	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN102458429	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Stephanie McCurley			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 328.56(d)(4)			
<b>Violation Description</b>	Failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential			x	
					<b>Percent</b> 7.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,250
	\$1,750

  

**Violation Events**

Number of Violation Events	1		37	Number of violation days
----------------------------	---	--	----	--------------------------

  

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

  

<b>Violation Base Penalty</b>	\$1,750
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One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondents do not meet the good faith criteria for this violation.			

  

<b>Violation Subtotal</b>	\$1,750
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$141
<b>Violation Final Penalty Total</b>	\$2,282
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$2,282	

# Economic Benefit Worksheet

**Respondent** Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station  
**Case ID No.** 59232  
**Reg. Ent. Reference No.** RN102458429  
**Media** Waste Tires  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## 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)	\$500	5-Aug-2019	24-Jan-2021	1.47	\$37	n/a	\$37

### Notes for DELAYED costs

Estimated delayed cost to establish and implement a consistent monitoring and vector control program. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	22-Jul-2019	10-Apr-2020	0.72	\$4	\$100	\$104

### Notes for AVOIDED costs

Estimated avoided cost to monitor tires for vectors and utilize appropriate vector control measures. The date required is two weeks prior to the initial investigation date and the final date is the screening date.

### Approx. Cost of Compliance

\$600

### TOTAL

\$141



# Compliance History Report

Compliance History Report for CN605144690, RN102458429, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN605144690, Mark Corwin **Classification:** SATISFACTORY **Rating:** 40.20

**Regulated Entity:** RN102458429, MC Tire Services aka Richard & Mark's 66 Service Station **Classification:** SATISFACTORY **Rating:** 40.20

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 301 West Main Street in Olney, Young County, Texas

**TCEQ Region:** REGION 03 - ABILENE

## ID Number(s):

**PETROLEUM STORAGE TANK REGISTRATION**

REGISTRATION 20403

**TIRES REGISTRATION** 8356

**PETROLEUM STORAGE TANK NON REGISTERED ID**

NUMBER R03102458429

**AIR NEW SOURCE PERMITS REGISTRATION** 51423

**TIRES REGISTRATION** 12348

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** September 17, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 17, 2015 to September 17, 2020

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

**Name:** Stephanie McCurley

**Phone:** (512) 239-2607

## Site and Owner/Operator History:

- 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

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

### A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 12/12/2018 ADMINORDER 2017-1502-PST-E (Findings Order-Default)

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(1)(B)

30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(d)

30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)

Description: Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter N 334.602(a)

Description: Failed to designate, train, and certify at least one named individual for each class of operator – Class A, Class B, and Class C for the Facility

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	December 17, 2018	(1534987)
Item 2	January 11, 2019	(1537540)

**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:	09/27/2019	(1592223)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(b)		
	Description:	Failure to ensure that scrap tires or scrap tire pieces have been transported by a registered transporter to an authorized facility, in accordance with 30 TAC §328.56(b).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(c)		
	Description:	Failure to use manifests, work orders, invoices, or other records to document the removal and management of scrap tires, in accordance with 30 TAC §328.56(c).		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(2) 30 TAC Chapter 328, SubChapter F 328.60(a)		
	Description:	Failure to obtain a scrap tire storage registration for the storage of more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, in accordance with 30 TAC §§328.56(d)(2) and 328.60(a).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(4)		
	Description:	Failure to monitor for vectors at least once every two weeks, in accordance with 30 TAC §328.56(d)(4).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(a)(1)		
	Description:	Failure to register as a tire generator, in accordance with 30 TAC §328.56(a)(1).		

**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

**Component Appendices****Appendix A****All NOV's Issued During Component Period 9/17/2015 and 9/17/2020**

1	Date:	06/05/2017	(1416762)	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 334, SubChapter A 334.7(d)(1)(B) 30 TAC Chapter 334, SubChapter A 334.7(d)(3)			
	Description:	Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.3475(d) 30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)			
	Description:	Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years			
2*	Date:	09/27/2019	(1592223)	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(b)			
	Description:	Failure to ensure that scrap tires or scrap tire pieces have been transported by a registered transporter to an authorized facility, in accordance with 30 TAC §328.56(b).			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(c)			
	Description:	Failure to use manifests, work orders, invoices, or other records to document the removal and management of scrap tires, in accordance with 30 TAC §328.56(c).			
				Classification:	Major
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(2) 30 TAC Chapter 328, SubChapter F 328.60(a)			
	Description:	Failure to obtain a scrap tire storage registration for the storage of more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, in accordance with 30 TAC §§328.56(d)(2) and 328.60(a).			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(4)			
	Description:	Failure to monitor for vectors at least once every two weeks, in accordance with 30 TAC §328.56(d)(4).			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(a)(1)			
	Description:	Failure to register as a tire generator, in accordance with 30 TAC §328.56(a)(1).			

\* NOV's applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B****All Investigations Conducted During Component Period September 17, 2015 and September 17, 2020**

		(1330374)	For Informational Purposes Only		
Item 1	May 06, 2016**				
		(1370965)	For Informational Purposes Only		
Item 2	November 21, 2016**				
		(1416762)	For Informational Purposes Only		
Item 3	June 05, 2017**				
		(1437413)			

Item 4	September 20, 2017**	For Informational Purposes Only (1534987)
Item 5*	December 17, 2018**	For Informational Purposes Only (1537540)
Item 6*	January 11, 2019**	For Informational Purposes Only (1633334)
Item 7	March 27, 2020**	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.





# Compliance History Report

Compliance History Report for CN605144724, RN102458429, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN605144724, Rosanna Corwin **Classification:** SATISFACTORY **Rating:** 40.20

**Regulated Entity:** RN102458429, MC Tire Services aka Richard & Mark's 66 Service Station **Classification:** SATISFACTORY **Rating:** 40.20

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 301 West Main Street in Olney, Young County, Texas

**TCEQ Region:** REGION 03 - ABILENE

## ID Number(s):

**PETROLEUM STORAGE TANK REGISTRATION**

REGISTRATION 20403

**TIRES REGISTRATION** 8356

**PETROLEUM STORAGE TANK NON REGISTERED ID**

NUMBER R03102458429

**AIR NEW SOURCE PERMITS REGISTRATION** 51423

**TIRES REGISTRATION** 12348

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** September 17, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 17, 2015 to September 17, 2020

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

**Name:** Stephanie McCurley

**Phone:** (512) 239-2607

## Site and Owner/Operator History:

- 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

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

### A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 12/12/2018 ADMINORDER 2017-1502-PST-E (Findings Order-Default)

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(1)(B)

30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(d)

30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)

Description: Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter N 334.602(a)

Description: Failed to designate, train, and certify at least one named individual for each class of operator – Class A, Class B, and Class C for the Facility

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	December 17, 2018	(1534987)
Item 2	January 11, 2019	(1537540)

**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:	09/27/2019	(1592223)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(b)		
	Description:	Failure to ensure that scrap tires or scrap tire pieces have been transported by a registered transporter to an authorized facility, in accordance with 30 TAC §328.56(b).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(c)		
	Description:	Failure to use manifests, work orders, invoices, or other records to document the removal and management of scrap tires, in accordance with 30 TAC §328.56(c).		
	Self Report?	NO		Classification: Major
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(2) 30 TAC Chapter 328, SubChapter F 328.60(a)		
	Description:	Failure to obtain a scrap tire storage registration for the storage of more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, in accordance with 30 TAC §§328.56(d)(2) and 328.60(a).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(d)(4)		
	Description:	Failure to monitor for vectors at least once every two weeks, in accordance with 30 TAC §328.56(d)(4).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 328, SubChapter F 328.56(a)(1)		
	Description:	Failure to register as a tire generator, in accordance with 30 TAC §328.56(a)(1).		

**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

**Appendix A****All NOVs Issued During Component Period 9/17/2015 and 9/17/2020**

1

Date:06/05/2017(1416762)

Classification:Minor

Self Report?NO

Citation:30 TAC Chapter 334, SubChapter A 334.7(d)(1)(B)  
30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description:Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition

Classification:Moderate

Self Report?NO

Citation:2D TWC Chapter 26, SubChapter A 26.3475(d)  
30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)

Description:Failed to have the corrosion protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years

2\*

Date:09/27/2019(1592223)

Classification:Moderate

Self Report?NO

Citation:30 TAC Chapter 328, SubChapter F 328.56(b)

Description:Failure to ensure that scrap tires or scrap tire pieces have been transported by a registered transporter to an authorized facility, in accordance with 30 TAC §328.56(b).

Classification:Moderate

Self Report?NO

Citation:30 TAC Chapter 328, SubChapter F 328.56(c)

Description:Failure to use manifests, work orders, invoices, or other records to document the removal and management of scrap tires, in accordance with 30 TAC §328.56(c).

Classification:Major

Self Report?NO

Citation:30 TAC Chapter 328, SubChapter F 328.56(d)(2)  
30 TAC Chapter 328, SubChapter F 328.60(a)

Description:Failure to obtain a scrap tire storage registration for the storage of more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, in accordance with 30 TAC §§328.56(d)(2) and 328.60(a).

Classification:Moderate

Self Report?NO

Citation:30 TAC Chapter 328, SubChapter F 328.56(d)(4)

Description:Failure to monitor for vectors at least once every two weeks, in accordance with 30 TAC §328.56(d)(4).

Classification:Moderate

Self Report?NO

Citation:30 TAC Chapter 328, SubChapter F 328.56(a)(1)

Description:Failure to register as a tire generator, in accordance with 30 TAC §328.56(a)(1).

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B****All Investigations Conducted During Component Period September 17, 2015 and September 17, 2020**

		(1330374)	For Informational Purposes Only
Item 1	May 06, 2016**		
		(1370965)	For Informational Purposes Only
Item 2	November 21, 2016**		
		(1416762)	For Informational Purposes Only
Item 3	June 05, 2017**		
		(1437413)	For Informational Purposes Only
Item 4	September 20, 2017**		

(1534987)

Item 5\* December 17, 2018\*\* For Informational Purposes Only

(1537540)

Item 6\* January 11, 2019\*\* For Informational Purposes Only

(1633334)

Item 7 March 27, 2020\*\* For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MARK CORWIN AND ROSANNA  
CORWIN DBA MC TIRE SERVICES  
AKA RICHARD & MARK'S 66  
SERVICE STATION;  
RN102458429**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2020-0606-MSW-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station ("Respondents").

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

### **FINDINGS OF FACT**

1. Respondents operate a service station located at 301 West Main Street in Olney, Young County, Texas (the "Facility"). The Facility contains and involves the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on March 4, 2020, an investigator documented that Respondents:
  - a. Failed to ensure that scrap tires are transported by a registered transporter to an authorized facility. Specifically, Respondents did not provide documentation from a registered transporter ensuring that scrap tires were transported to an authorized facility;
  - b. Failed to use manifests, work orders, invoices, or other records to document the removal and management of all scrap tires generated at the Facility.
  - c. Failed to obtain a generator registration number from the Executive Director prior to storing more than 500 tires at the Facility, and failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or more than 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 3,920 scrap tires were stored on the ground at the Facility; and
  - d. Failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks.
3. 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 Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station" (the "EDPRP") in the TCEQ Chief Clerk's office on March 19, 2021.

4. The EDPRP was mailed to each Respondent's last known address on March 19, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on April 14, 2021.
6. By letter dated April 14, 2021, sent to each Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served each Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondents received notice of the EDPRP.
7. More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to ensure that scrap tires are transported by a registered transporter to an authorized facility, in violation of 30 TEX. ADMIN. CODE § 328.56(b).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to use manifests, work orders, invoices, or other records to document the removal and management of all scrap tires generated at the Facility, in violation of 30 TEX. ADMIN. CODE § 328.56(c).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to obtain a generator registration number from the Executive Director prior to storing more than 500 tires at the Facility, and failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or more than 2,000 used or scrap tires in enclosed and lockable containers, in violation of TEX. HEALTH & SAFETY CODE § 361.112(a), 30 TEX. ADMIN. CODE §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a).
5. As evidenced by Finding of Fact No. 2.d., Respondents failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks, in violation of 30 TEX. ADMIN. CODE § 328.56(d)(4).
6. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
7. As evidenced by Finding of Fact No. 7, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of thirty-six thousand five hundred four dollars (\$36,504.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

10. 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. Respondents are assessed an administrative penalty in the amount of thirty-six thousand five hundred four dollars (\$36,504.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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 TCEQ and shall be sent with the notation "Re: Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station; Docket No. 2020-0606-MSW-E" to:

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

3. Respondents shall undertake the following technical requirements:
  - a. Within 30 days of the effective date of this Order:
    - i. Implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 328.56;
    - ii. Ensure manifests, work orders, invoices, or other records documenting the removal and management of all scrap tires generated at the Facility are completed and maintained at the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.56;
    - iii. Obtain tire generator and scrap tire storage site registrations for the Facility or reduce the number of tires to less than 500 used or scrap tires on the ground or 2000 used or scrap tires in trailers or lockable containers, in accordance with 30 TEX. ADMIN. CODE § 328.56; and
    - iv. Establish and implement a consistent vector control program utilizing appropriate measures, in accordance with 30 TEX. ADMIN. CODE § 328.56.
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iv. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Waste Section Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. If Respondents fail 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, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. 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 Respondents if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed 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**

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

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF CASEY KURNATH

"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 Mark Corwin and Rosanna Corwin dba MC Tire Services aka Richard & Mark's 66 Service Station" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 19, 2021.

The EDPRP was mailed to each Respondent's last known address on March 19, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on April 14, 2021.

The EDPRP was mailed to each Respondent's last known address on April 14, 2021, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that each Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is Casey Kurnath and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,  
State of Texas,  
on the 9th day of September, 2021

*Casey Kurnath*

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Declarant