

Fast Recycling, Inc.
 RN105566442
 Docket No. 2021-0639-MSW-E

Order Type:
 Default Order

Media:
 MSW

Small Business:
 Yes

Location Where Violation Occurred:
 3201 Dalworth Street, Arlington, Tarrant County

Type of Operation:
 scrap tire storage facility

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes; 2021-0505-MSW-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: March 17, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$49,649

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$49,649

Compliance History Classifications:

Person/CN - Unclassified
 Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date: N/A

Date of Investigation: November 6, 2020; May 7, 2021

Date of NOV: N/A

Date of NOE: January 19, 2021

Fast Recycling, Inc.
RN105566442
Docket No. 2021-0639-MSW-E

Violation Information

1. Failed to maintain a copy of the TCEQ scrap tire generator restriction notice at the designated place of business [30 TEX. ADMIN. CODE § 328.55(3)].
2. 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)].
3. Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years [30 TEX. ADMIN. CODE §§ 328.57(d) and 328.58(f)].
4. 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 [30 TEX. ADMIN. CODE § 328.60(a)].
5. Failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires [30 TEX. ADMIN. CODE § 328.57(c)(1)].
6. Failed to submit a scrap tire facility annual summary of activities, no later than March 1 of each year [30 TEX. ADMIN. CODE § 328.63(d)(6)].

Corrective Actions/Technical Requirements

Corrective Action Completed: None

Technical Requirements:

1. Immediately cease storing and/or transporting any additional used and/or scrap tires at the Facility until proper authorization is obtained.
2. Within 30 days:
 - a. Begin maintaining a copy of the TCEQ scrap tire generator registration notice at the Facility;
 - b. Develop and establish a vector control program for tires stored outside;
 - c. Develop and implement procedures to ensure that copies of all scrap tire manifests are maintained for a period of three years; and
 - d. Develop and implement procedures to ensure that a complete summary of activities is submitted timely every year.
3. Within 75 days:
 - a. Obtain a scrap tire transporter registration; and
 - b. Register the Facility as a scrap tire storage site.
4. In lieu of Technical Requirement No. 3.b., within 75 days, reduce the number of scrap tires being stored at the Facility to less than 500 on the ground or less than 2,000 in enclosed and lockable containers.
5. Within 90 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 through 3.b., or 1 through 3.a. and 4.

Litigation Information

Dates Petitions Filed: August 30, 2022; October 7, 2022

Dates of Service: unclaimed; unclaimed

Date Answer Filed: N/A

Fast Recycling, Inc.
RN105566442
Docket No. 2021-0639-MSW-E

Contact Information

TCEQ Attorneys: Marilyn Norrod, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-3144

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Sushil Modak, Enforcement Division, (512) 239-2142

TCEQ Regional Contact: Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Mahmoud Abdallah, President, Fast Recycling, Inc., 820 Woodridge Drive, Fort Worth, Texas 76120-2856

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	10-May-2021	Screening	13-May-2021	EPA Due	
	PCW	14-Mar-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Fast Recycling, Inc.
Reg. Ent. Ref. No.	RN105566442
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60763	No. of Violations	5
Docket No.	2021-0639-MSW-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Berenice Munoz
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$46,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,696
Estimated Cost of Compliance	\$15,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$46,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	6.2%	Adjustment	\$2,899
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 2, 3, and 5.

Final Penalty Amount	\$49,649
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$49,649
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$49,649
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Screening Date 13-May-2021

Docket No. 2021-0639-MSW-E

PCW

Respondent Fast Recycling, Inc.

Policy Revision 4 (April 2014)

Case ID No. 60763

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105566442

Media Waste Tires

Enf. Coordinator Berenice Munoz

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 13-May-2021
Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Enf. Coordinator Berenice Munoz

Docket No. 2021-0639-MSW-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="text"/>	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
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	\$45	19-Nov-2020	6-Mar-2022	1.29	\$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 maintain a copy of the TCEQ scrap tire generator registration notice at the Facility. The Date Required is the initial investigation end 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

Screening Date 13-May-2021
Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Enf. Coordinator Berenice Munoz

Docket No. 2021-0639-MSW-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description

Failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks. Specifically, approximately 255 tires observed on the ground surrounding the semi-trailers were not being monitored for vectors.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="7.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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	<input checked="" type="text" value="X"/>	<input type="text"/>

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
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				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	19-Nov-2020	6-Mar-2022	1.29	\$32	n/a	\$32

Notes for DELAYED costs

Estimated delayed cost to develop and establish a vector control program for tires stored outside. The Date Required is the initial investigation end 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	\$500	19-Nov-2020	13-May-2021	0.48	\$12	\$500	\$512
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to monitor tires stored outside for vectors and use appropriate vector control measures. The Date Required is the initial investigation end date and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$544

Screening Date 13-May-2021
Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Enf. Coordinator Berenice Munoz

Docket No. 2021-0639-MSW-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 328.57(d) and 328.58(f)

Violation Description Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years. Specifically, no manifests were provided by the Respondent.

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 \$21,250

\$3,750

Violation Events

Number of Violation Events 1 175 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	X

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$3,983

This violation Final Assessed Penalty (adjusted for limits) \$3,983

Economic Benefit Worksheet

Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	19-Nov-2020	6-Mar-2022	1.29	\$6	n/a	\$6
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 develop and implement procedures to ensure that copies of all scrap tire manifests are maintained for a period of three years. The Date Required is the initial investigation end 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	\$100	19-Nov-2020	13-May-2021	0.48	\$2	\$100	\$102
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to retain manifests, work orders, and invoices. The Date Required is the initial investigation end date and the Final Date is the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$108

Screening Date 13-May-2021
Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Enf. Coordinator Berenice Munoz

Docket No. 2021-0639-MSW-E

PCW

*Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014*

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 328.57(c)(1) and 328.60(a)

Violation Description

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 2,300 scrap tires were stored at the Facility without a scrap tire storage site registration, including 1,934 in five semi-trailers, 111 on three additional trailers that were being used as a loading dock, and 255 on the ground. Also, failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires. Specifically, the Respondent transported scrap tires without a scrap tire transporter registration.

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	Harm			Percent
		Major	Moderate	Minor	
		X			15.0%

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6 175 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six monthly events are recommended from the November 19, 2020 initial investigation end date to the May 13, 2021 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$750

Violation Final Penalty Total \$23,895

This violation Final Assessed Penalty (adjusted for limits) \$23,895

Economic Benefit Worksheet

Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
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	\$11,600	19-Nov-2020	6-Mar-2022	1.29	\$750	n/a	\$750
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to register the Facility as a scrap tire storage site (\$11,500 at \$5 insurance cost per tire) and to obtain a scrap tire transporter registration (\$100). The Date Required is the initial investigation end 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

\$11,600

TOTAL

\$750

Screening Date 13-May-2021
Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Enf. Coordinator Berenice Munoz

Docket No. 2021-0639-MSW-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 328.63(d)(6)

Violation Description Failed to submit a scrap tire facility annual summary of activities, no later than March 1 of each year. Specifically, annual summaries had not been submitted for the years 2016, 2017, 2018, and 2019.

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	Harm			Percent
		Major	Moderate	Minor	
		X			15.0%
100% of the rule requirement was not met.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4 1534 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$15,000

Four single events are recommended (one for each annual report).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,291

Violation Final Penalty Total \$15,930

This violation Final Assessed Penalty (adjusted for limits) \$15,930

Economic Benefit Worksheet

Respondent Fast Recycling, Inc.
Case ID No. 60763
Reg. Ent. Reference No. RN105566442
Media Waste Tires
Violation No. 5

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)	\$100	19-Nov-2020	6-Mar-2022	1.29	\$6	n/a	\$6

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures to ensure that a complete summary of activities is submitted timely every year. The Date Required is the initial investigation end 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)	\$2,155	1-Mar-2020	13-May-2021	1.20	\$130	\$2,155	\$2,285

Notes for AVOIDED costs

Estimated avoided cost to submit an annual summary of activities for the years 2016, 2017, 2018, and 2019 (\$500 per summary). The Date Required is the due date of the 2019 annual summary and the Final Date is the screening date.

Approx. Cost of Compliance

	\$2,255
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TOTAL

	\$2,291
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN603382276, RN105566442, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603382276, Fast Recycling, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN105566442, Fast Recycling **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3201 Dalworth Street, Arlington, Tarrant County, Texas 76011-6811

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER R04105566442 **TIRES REGISTRATION** 6200466

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

Date Compliance History Report Prepared: July 16, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 16, 2016 to July 16, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Berenice Munoz **Phone:** (915) 834-4976

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:

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FAST RECYCLING, INC.;
RN105566442

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-0639-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 respondent(s). The respondent made the subject of this Order is Fast Recycling, Inc. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates scrap tire storage facility located at 3201 Dalworth Street in Arlington, Tarrant County, Texas (the "Facility"). The Facility contains and/or involves the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation that began on November 6, 2020, and a record review conducted on May 7, 2021, an investigator documented that Respondent:
 - a. Failed to maintain a copy of the TCEQ scrap tire generator restriction notice at the designated place of business.
 - b. Failed to monitor tires stored outside for vectors and to utilize appropriate vector control measures at least once every two weeks. Specifically, approximately 255 tires observed on the ground surrounding the semi-trailers were not being monitored for vectors.
 - c. Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years. Specifically, no manifests were provided by Respondent.
 - d. 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 2,300 scrap tires were stored at the Facility without a scrap tire storage site registration, including 1,934 in five semi-trailers, 111 on three additional trailers that were being used as a loading dock and 255 on the ground.
 - e. Failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires. Specifically, Respondent transported scrap tires without a scrap tire transporter registration.
 - f. Failed to submit a scrap tire facility annual summary of activities, no later than March 1 of each year. Specifically, annual summaries had not been submitted for the years 2016, 2017, 2018 and 2019.

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 Fast Recycling, Inc.” (the “EDPRP”) in the TCEQ Chief Clerk’s office on August 30, 2022.
4. The EDPRP was mailed to Respondent’s last known address on August 30, 2022, 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 October 7, 2022.
6. By letter dated October 7, 2022, 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. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first-class mail has not been returned, indicating that Respondent received notice of the EDPRP.
7. 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. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to maintain a copy of the TCEQ scrap tire generator restriction notice at the designated place of business, in violation of 30 TEX. ADMIN. CODE § 328.55(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent 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).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years, in violation of 30 TEX. ADMIN. CODE § 328.57(d) and 328.58(f).
5. As evidenced by Finding of Fact No. 2.d., Respondent 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, in violation of 30 TEX. ADMIN. CODE § 328.60(a).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed obtain a scrap tire transporter registration before transporting used and/or scrap tires, in violation of 30 TEX. ADMIN. CODE § 328.57(c)(1).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed submit a scrap tire facility annual summary of activities, no later than March 1 of each year, in violation of 30 TEX. ADMIN. CODE § 328.63(d)(6).
8. As evidenced by Findings of Fact Nos. 4 through 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(c)(2).
9. 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.

10. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of forty-nine thousand six hundred forty-nine dollars (\$49,649.00) is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
12. 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 forty-nine thousand six hundred forty-nine dollars (\$49,649.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's 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: Fast Recycling, Inc.; Docket No. 2021-0639-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. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease storing and/or transporting any additional used and/or scrap tires at the Facility until proper authorization is obtained.
 - b. Within 30 days after the effective date of this Order:
 - i. Begin maintaining a copy of the TCEQ scrap tire generator registration notice at the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.55;
 - ii. Develop and establish a vector control program for tires stored outside, in accordance with 30 TEX. ADMIN. CODE § 328.56;
 - iii. Develop and implement procedures to ensure that copies of all scrap tire manifests are maintained for a period of three years, in accordance with 30 TEX. ADMIN. CODE §§ 328.57 and 328.58; and
 - iv. Develop and implement procedures to ensure that a complete summary of activities is submitted timely every year, in accordance with 30 TEX. ADMIN. CODE § 328.63.
 - c. Within 75 days after the effective date of this Order:
 - i. Obtain a scrap tire transporter registration, in accordance with 30 TEX. ADMIN. CODE § 328.55; and

- ii. Register the Facility as a scrap tire storage site, in accordance with 30 TEX. ADMIN. CODE § 328.55.
- d. In lieu of Ordering Provision No. 3.c.ii., within 75 days after the effective date of this Order, reduce the number of scrap tires being stored at the Facility to less than 500 on the ground or less than 2,000 in enclosed and lockable containers.
- e. Within 90 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a., through 3.c., or 3.a., through 3.c.i., and 3.d. The certification shall be signed by the Respondent 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.”

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Corrective Action Ordering Provisions to:

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

and:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is 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 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 7. 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.

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 Respondent if the Executive Director determines that Respondent has 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MARILYN NORROD

"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 Fast Recycling, Inc.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 30, 2022.

The EDPRP was mailed to Respondent's last known address on August 30, 2022; 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 October 7, 2022.

The EDPRP was mailed to Respondent's last known address on October 7, 2022, 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 Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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."

"My name is Marilyn A. Norrod, 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 27 day of February, 2023

A handwritten signature in cursive script that reads "Marilyn A. Norrod".

Declarant