Order Type: Default Order

Media: MSW

Small Business: Yes

Location(s) Where Violation(s) Occurred:
0.3 miles North of Fishtrap Road on Collins Road, Denton, Denton County
Type of Operation:

auto crushing and scrap tire storage facility

Other Significant Matters: Additional Pending Enforcement A Past-Due Penalties: Past-Due Fees: Other: Interested Third Parties:	Actions: Yes, 2023-0200-MSW-E \$7,812.50 \$1,327.88 None None
Texas Register Publication Date:	December 15, 2023
Comments Received:	None
	Penalty Information
Total Penalty Assessed:	\$79,779
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$79,779
Compliance History Classifications: Person/CN – Unclassified Site/RN – Unclassified	
Major Source:	PCW 1 of 2: Yes; PCW 2 of 2: No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	January 28, 2021
	Investigation Information
Complaint Date(s):	N/A
Date(s) of Investigation:	September 24 - September 30, 2020; April 1, 2021
Date(s) of NOV(s):	N/A
Date(s) of NOE(s):	May 21, 2021

Violation Information

- 1. Failed to obtain a scrap tire storage 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 trailers [TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE §§ 328.56(d)(2), 328.59(b)(1), and 328.60(a)].
- 2. Failed to maintain a complete record in the form of a five-part manifest of each individual load of used or scrap tires or tire pieces transported from the Facility [30 Tex. ADMIN. CODE §§ 328.58(a) and 328.62(c)]. Also, failed to notify the appropriate commission regional office of any transporter or authorized scrap tire facility that fails to complete the manifest, alters the generator portion of the manifest, or fails to return the manifest within three months after the off-site transportation of the used or scrap tires or tire pieces [30 Tex. ADMIN. CODE § 328.58(e)].
- 3. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks [30 Tex. ADMIN. CODE § 328.56(d)(4)].
- 4. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste [30 Tex. ADMIN. CODE § 330.15(a) and (c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed: None

Technical Requirements:

Respondent no longer owns the Facility as of July 2, 2021.

	Litigation Information
Date Petition(s) Filed:	September 1, 2023; October 5, 2023
Date(s) of Service:	Unclaimed; Unclaimed
Date Answer(s) Filed:	N/A

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400 Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, (512) 239-1756
TCEQ Regional Contact: Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Jimmy Ray Bland, 845 Stonecrest Road, Argyle, Texas 78226-5821
Respondent's Attorney: N/A

PCW 1 of 2

Policy R	Per evision 5 (January 28,	nalty Calcu	latior	n Worksh	eet (PC	-	vision February 11, 2021
DATES Assigned PCW	24-May-2021 28-Aug-2023	Screening 3-Jun	-2021	EPA Due]	
RESPONDENT/FACILI Respondent	TY INFORMATIC	N				1	
Reg. Ent. Ref. No. Facility/Site Region		th		Major/M	inor Source	Major	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$	2021-0781-MSW- Municipal Solid W Waste Tires		num	Government	Coordinator	Findings	Feam 3
		Penalty Ca	lculat	tion Sectio	n		
TOTAL BASE PENA	LTY (Sum of	•			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Subtotal 1	\$17,000
ADJUSTMENTS (+ Subtotals 2-7 are of	/-) TO SUBTO	TAL 1					
Compliance Hi	story	the Total Base Penalty (S	5.0%	Adjustment		tals 2, 3, & 7	\$850
Notes	Enhance	ment for one NOV w	vith same	e/similar violatio	ons.		
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
Notes	The Res	pondent does not m	neet the	culpability crite	ria.		
Good Faith Eff	ort to Comply To	tal Adjustments				Subtotal 5	\$0
Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Total EB Amounts Cost of Compliance	\$11,367 \$11,000		at the Total EB \$ A	mount		ŦΞ
SUM OF SUBTOTA	LS 1-7				F	inal Subtotal	\$17,850
OTHER FACTORS / Reduces or enhances the Fina	AS JUSTICE M	AY REQUIRE		<mark>67.3%</mark>		Adjustment	\$12,013
Notes		capture the avoided Violation Nos.			ociated with		
					Final Per	nalty Amount	\$29,863
STATUTORY LIMI	r adjustmen	т			Final Asse	ssed Penalty	\$29,863
DEFERRAL Reduces the Final Assessed Pe	nalty by the indicated	percentage.		0.0%	Reduction	Adjustment	\$0
Notes	No de	eferral is recommen	ded for I	Findings Orders.			
PAYABLE PENALT	Y						\$29,863

PCW

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Screening Date 3-Jun-2021 Respondent Jimmy Ray Bland Case ID No. 60840 Reg. Ent. Reference No. RN111005716

Media Municipal Solid Waste

Enf. Coordinator Karolyn Kent

Compliance History Worksheet

Docket No. 2021-0781-MSW-E

Compliance History Site Enhancement (Subtotal 2) >> Number Component Number of... Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 1 5% the current enforcement action (number of NOVs meeting criteria) NOVs Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 0 ٥% orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders Orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 ٥% Judaments consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 ٥% counts) Chronic excessive emissions events (number of events) **Emissions** 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were 0 0% disclosed) Environmental management systems in place for one year or more No ٥% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 5% >> 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

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

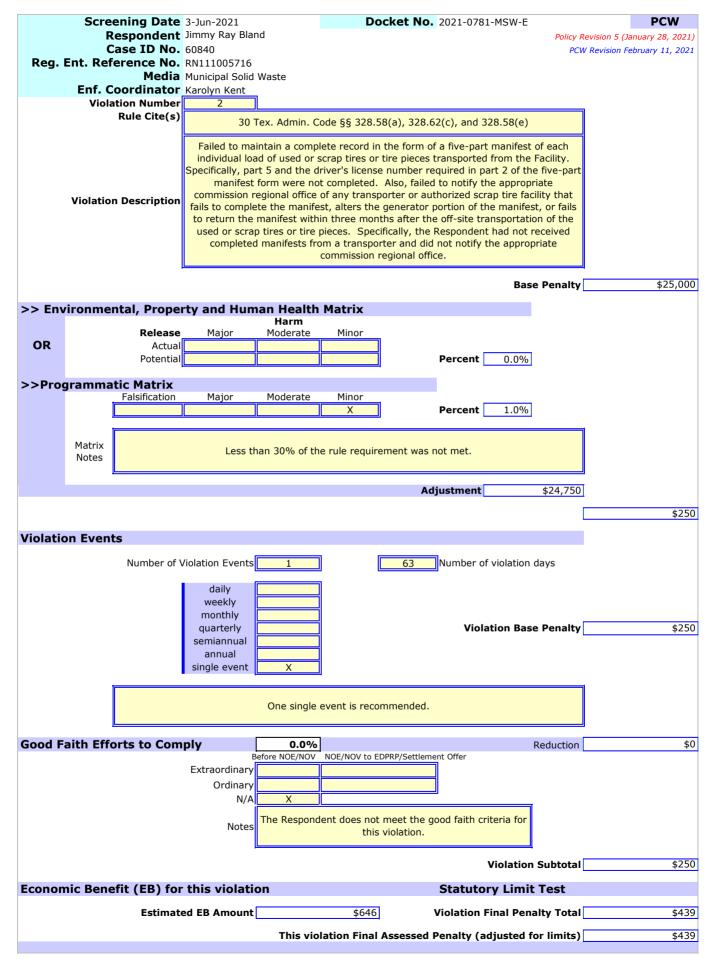
Final Adjustment Percentage *capped at 100% 5%

PCW 1 of 2

	ning Date			Docket	No. 2021-0781-MSW-E		PCW
Re	espondent	Jimmy Ray Bla	nd			Policy R	evision 5 (January 28, 2021)
Ca	ase ID No.	60840				РСИ	/ Revision February 11, 2021
Reg. Ent. Refe	erence No.	RN111005716					
	Media	Municipal Solid	l Waste				
Enf. Co	ordinator	Karolyn Kent	_				
Violat	ion Number	1					
	Rule Cite(s)	30 Tex Adm	in Code 88 3	328 56(d)(2) 328	.59(b)(1), and 328.60(a) a	nd Tex	
		50 102.7441		th & Safety Code			
					3(0)		
Violation	Description	storing more tires in trailers	than 500 use s. Specifically	d or scrap tires or , approximately	egistration for the Facility, p n the ground or 2,000 used 4,845 scrap tires were stor tire storage site registratio	or scrap ed on the	
					Base	e Penalty	\$25,000
>> Environmen	tal, Proper	rty and Hum	nan Health	Matrix			
		-,	Harm				
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percent 0.0%		
>>Programmat							
	Falsification	Major	Moderate	Minor	-		
		X			Percent 20.0%		
F							
Matrix							
Notes		10	0% of the rul	e requirement wa	s not met.		
						+20.000	
					Adjustment	\$20,000	
						ſ	\$5,000
						[\$5,000
Violation Events	5]	\$5,000
Violation Events	5]	\$5,000
Violation Events		iolation Events	3		63 Number of violation	[days	\$5,000
Violation Events		iolation Events	3		63 Number of violation	[days	\$5,000
Violation Events		daily	3		63 Number of violation	[days	\$5,000
Violation Events		daily weekly			63 Number of violation	days	\$5,000
Violation Events		daily weekly monthly	3 X			,	
Violation Events		daily weekly monthly quarterly			63 Number of violation Violation Base	,	\$5,000
Violation Events		daily weekly monthly quarterly semiannual				,	
Violation Events		daily weekly monthly quarterly semiannual annual				,	
Violation Events		daily weekly monthly quarterly semiannual				,	
	Number of V	daily weekly monthly quarterly semiannual annual single event	X		Violation Base	e Penalty	
	Number of V	daily weekly monthly quarterly semiannual annual single event	X X	rom the April 1, 2		e Penalty	
	Number of V	daily weekly monthly quarterly semiannual annual single event	X X		Violation Base	e Penalty	
1	Number of V	daily weekly monthly quarterly semiannual annual single event	X X	rom the April 1, 2	Violation Base	e Penalty	
	Number of V	daily weekly monthly quarterly semiannual annual single event	X X	rom the April 1, 2	Violation Base	e Penalty	
1	Number of V	daily weekly monthly quarterly semiannual annual single event	X Sommended fr 2021	rom the April 1, 2 . screening date.	Violation Base	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event	X 	rom the April 1, 2 . screening date.	Violation Base	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event	X 	rom the April 1, 2 . screening date.	Violation Base	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco ply Extraordinary	x x commended fr 2021 0.0% Before NOE/NOV	rom the April 1, 2 . screening date.	Violation Base	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco v events are reco ply Extraordinary Ordinary	Commended fr 2021 0.0% Before NOE/NOV	rom the April 1, 2 screening date.	Violation Base	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco ply Extraordinary Ordinary	Commended fr 2021	rom the April 1, 2 screening date.	Violation Base 021 investigation date to th 'Settlement Offer tet the good faith criteria	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco ply Extraordinary Ordinary N/A	Commended fr 2021	rom the April 1, 2 screening date.	Violation Base 021 investigation date to th 'Settlement Offer tet the good faith criteria	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco ply Extraordinary Ordinary N/A	Commended fr 2021	rom the April 1, 2 screening date.	Violation Base	e Penalty	\$15,000 \$0
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco ply Extraordinary Ordinary N/A	Commended fr 2021	rom the April 1, 2 screening date.	Violation Base 021 investigation date to th 'Settlement Offer tet the good faith criteria	e Penalty	\$15,000
1	Number of V	daily weekly monthly quarterly semiannual annual single event v events are reco v events are reco ply Extraordinary Ordinary N/A Notes	Commended fr 2021	rom the April 1, 2 screening date.	Violation Base	e Penalty [ne June 3, Reduction [\$15,000 \$0
Good Faith Effor	Number of V Fhree monthly rts to Com	daily weekly monthly quarterly semiannual annual single event v events are reco v events are reco ply Extraordinary Ordinary N/A Notes	Commended fr 2021	rom the April 1, 2 screening date. NOE/NOV to EDPRP/	Violation Base O21 investigation date to tl Settlement Offer Set the good faith criteria lation. Violation Statutory Limit	e Penalty ne June 3, Reduction Subtotal	\$15,000
Good Faith Effor	Number of V Fhree monthly rts to Com	daily weekly monthly quarterly semiannual annual single event v events are reco v events are reco ply Extraordinary Ordinary N/A Notes	Commended fr 2021 Commended fr Commended fr	rom the April 1, 2 . screening date. NOE/NOV to EDPRP/	Violation Base O21 investigation date to th Settlement Offer Sett the good faith criteria Set the good faith criteria Set the good faith criteria Set the good faith criteria	e Penalty 1e June 3, Reduction Subtotal Test alty Total	\$15,000 \$0

		conomic	Benefit	Wo	rksheet		
Respondent	Jimmy Ray Bla	ind					
Case ID No.	60840						
Reg. Ent. Reference No.	RN111005716						
	Municipal Solic					Percent Interest	Years of Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Avoided Costs	ANNUA	LIZE avoided c	osts before er		<u> </u>	one-time avoide	,
Avoided Costs Disposal	ANNU#	ALIZE avoided c	osts before er	0.00	\$0	\$0	\$0
Avoided Costs Disposal Personnel	ANNU4	LIZE avoided c	osts before er	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANNUA	LIZE avoided c	osts before er	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNUA	LIZE avoided c	osts before er	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU/	LIZE avoided c	osts before er 3-Jun-2021	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$334	\$0 \$0 \$0 \$0 \$0 \$0 \$10,000	\$0 \$0 \$0 \$0 \$0 \$0 \$10,334
Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	 	30-Sep-2020	3-Jun-2021 n a scrap tire st	0.00 0.00 0.00 0.00 0.00 0.67 0.00	\$0 \$0 \$0 \$0 \$334 \$0 ite registration for	\$0 \$0 \$0 \$0 \$0 \$0 \$10,000	\$0 \$0 \$0 \$0 \$0 \$ 0 \$ 0 \$ 0 \$ 0 \$ 0

PCW 1 of 2



	Ec	conomic	Benefit	Wo	rksheet		
Respondent		ind					
Case ID No.	60840						
Reg. Ent. Reference No.	RN111005716						
Media	Municipal Solid	l Waste				Percent Interest	Years of
Violation No.	2					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
····							
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)				0.00	\$0	n/a	\$0
Avoided Costs	ANNUA	ALIZE avoided co	osts before en	terina	item (except for	one-time avoide	d 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	\$25	30-Sep-2020	3-Jun-2021	0.67	\$1	\$25	\$26
Other (as needed)	\$500	30-Sep-2020	3-Jun-2021	0.67	\$17	\$500	\$517
Other (as needed)	\$100	30-Sep-2020	3-Jun-2021	0.67	\$3	\$100	\$103
Notes for AVOIDED costs	manifest implement pro transporte implement return a ma	for the off-site tra ocedures to ensur d from the Facility a process for notif nifest for the off-s	ansportation of e that manifest are fully comp fying the appro ite transportat	used or s of ead leted (\$ priate c ion of u	scrap tires or tire ch individual load o 500), and estimat ommission office t sed or scrap tires o	er a transporter fail pieces (\$25), to de of used or scrap tire ed delayed cost to of imely after a transp or tire pieces (\$100 the estimated date	velop and s or tire pieces develop and orter fails to). The Dates
Approx. Cost of Compliance		\$625			TOTAL		\$646

Respondent Nimmy Rev Bland Delexity Bland			ening Date		Docket No. 2021-0781-MSW-E	PCW
Reg. Ent. Reference No. RNL1103736 Media Municipal Solid Wate Enf. Coordinator Rule Cite(s) 30 Tex. Admin. Code § 328.50(d)(4) Violation Number Rule Cite(s) 30 Tex. Admin. Code § 328.50(d)(4) Failed to monitor tries stored outside for vectors and utilize appropriate vector outside were not being monitored for vectors, and utilize appropriate vector Base Penalty S25,000 >> Environmental, Property and Human Health Matrix Itema Violation Number Release Magin Moderate Marcin Failed control Matrix Release Matrix Percent Constraine Matrix Failed control Matrix Humen health or the environment will or could be exposed to insignificant amounts of pollutants result of the volation. Matrix Nores Violation Events Number of Violation Events Number of Violation Events One single event is recommended. Good Faith Efforts to Comply Under Notion Violation Subtotal						
Enf. Coordinator Kardby, Kert Violation Number Rule Cite(s) 30 Tex. Admin. Code § 328.56(d)(4) Failed to monitor tires stored outside for vectors and utilize appropriate vector Control measures at least once every two weeks. Specifically, the 4,845 tires stored outside were not being monitored for vectors, and utilize appropriate vector See Penalty See Penalty See Penalty See Penalty Violation Description Release Main Patterne Nores Main Main <	Reg.					
Violation Number Rule Cite(s) Violation Description Violation Description Violation Description Violation Description OR Release Major Matrix Tealification Major Number of Violation Events Number of Violation Events Number of Violation Eve	_					
Rule Cite(s) 30 Tex. Admin. Code § 328.56(d)(4) Violation Description Falled to monitor tires stored outside for vectors and utilize appropriate vector outside were not being monitored for vectors, and insect activity was observed. Base Penalty \$25,000 >> Environmental, Property and Human Health Matrix Base Penalty Marm Release Major Moderate More Percent Core 7.0% >> Programmatic Matrix Percent Marm Release Major Moderate Marm Percent Marinx Human Health Matrix Marm Release Matrix Human Health Matrix Matrix Human Health Matrix Matrix Human Health Matrix Matrix Matrix Matrix Marine Health or the environment will or could be exposed to insignificant amounts of polutants result of the violation. Matrix Matrix Matrix Marine Violation Events Good Faith Efforts to Comply Cone single event is recommended. S0 Good Faith Efforts to Comply Cone single event is recommend						
S0 TeX, Admin. Code § 263.5(0)(4) Failed to monitor the stored outside for vectors and utilize appropriate vector control measures at least one every two weeks. Specifically, the 4/85 tires stored outside were not being monitored for vectors, and insect activity was observed. >> Environmental, Property and Human Health Matrix Name OR Actual Yolental Yolental Peternti Tealefication Matrix Falefication Matrix Falefication Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants result of the violation Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants result of the violation Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants result of the violation Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants result of the violation Matrix Underster Matrix Matrix Matrix Matrix One single event is recommended. Good Faith Efforts		VIOIA				
Violation Description control measures at least once every two weeks. Specifically, the 4,845 tires stored outside were not being monitored for vectors, and insect activity was observed. Base Penaity 425,000 > Environmental, Property and Human Health Matrix Marrix Name QR Release Major Moderate Minor Percent 7.0% >> Programmatic Matrix Faisfication Major Moderate Minor Adjustment \$23,250 Site of the would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Matrix Number of Violation Events Number of Violation Events Number of Violation Events One single event is recommended. Good Faith Efforts to Comply 0.0% Violation Base Penaity \$1,750 One single event is recommended.				30 T	ex. Admin. Code § 328.56(d)(4)	
>> Environmental, Property and Human Health Matrix Harm Moderate Mijor Moderate Minor Potential Potential Potential Netse Human health or the environment Minor Percent 0.0% Human health or environment Minor Percent 0.0% Human health or environment Minor Percent 0.0% Human health or the environment Minor Percent 0.0% Human health or environmental receptors as a result of the violation. Adjustment 423,250 S1,750 S1,750 One single event is recommended. Socid Faith Efforts to Comply 0.0% Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal 51,750 Statutory Limit Test Estimated EB Amount 51,033 Violation Final Penalty Total 53,074		Violatio	1 Description	control measures at least or	nce every two weeks. Specifically, the 4,845 tir	<mark>es stored</mark>
OR Release Major Moderate Minor Actual X Potential X Potential X Percent 7.0% >>Programmatic Matrix Fabilitation Major Matrix Fabilitation Patrix Human health or the environment will or could be exposed to insignificant amounts of pollutants into the woold not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$23,250 Violation Events 1 Mumber of Violation Events 1 One single event S Violation Base Penalty \$1,750 One single event is recommended. S0 Extraordinary One single event is recommended. Good Faith Efforts to Comply 0.0% Violation Notes The Respondent does not meet the good fath criteria for this violation. \$1,750 Violation Subtotal \$1,750 Ordinary X Notes The Respondent does not meet the good fath criteria for this violation. \$1,750 Violation Subtotal \$1,750 Economic Benefit (EB) for thi					Base	Penalty \$25,000
OR Actual Moderate Minor >>Programmatic Matrix Percent 7.0% >>Programmatic Matrix Felsification Moderate Minor Felsification Major Moderate Minor Felsification Major Moderate Minor Felsification Major Moderate Minor Felsification Major Moderate Minor Matrix 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 Matrix 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 \$1,750 Violation Events 1 63 Number of violation days Violation Events 1 63 Number of violation days Image: daily weekly weekly 90 gate event X Violation Base Penalty \$1,750 One single event is recommended. S0 S0 S0 Refere MOR/MOV to EDPRP/Settlement Offer <t< th=""><th>>> Env</th><th>vironme</th><th>ntal, Prope</th><th></th><th>Matrix</th><th></th></t<>	>> Env	vironme	ntal, Prope		Matrix	
OR Actual X Percent 7.0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0.0% Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants Matrix Human health or environmental receptors as a result of the violation. Matrix Human health or the environment will or could be exposed to insignificant amounts of pollutants \$1,750 Violation Events 1 63 Number of violation days Violation Events 1 63 Number of violation days Use single event X Violation Base Penalty \$1,750 One single event X S1,750 S1,750 Before NOP/NOV Norphylov to EDREP/Settlement Offer \$0 Ordinary One single event is recommended. \$0 Good Faith Efforts to Comply 0.0% Reduction \$0 Refore NOP/NOV NOP/NOV to EDREP/Settlement Offer \$0 Ordinary Violation \$1,750 Violation Statutory Limit Test Estimated EB Amount			Release		Minor	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Note Human health or the environment will or could be exposed to insignificant amounts of pollutants in that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Violation Events Violation Events Number of Violation Events 1 63 Number of violation days diality weekly weekly weekly weekly would an event is recommended. Good Faith Efforts to Comply 0.0% Good Faith Efforts to Comply 0.0% Etere NOLNOV NOLNOV to EDPRI/Settlement Offer Extraordinary Ordinary NVA X Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$1,750 Economic Benefit (EB) for this violation \$1,033 Violation Final Penalty Total \$3,074	OR		Actual			
Pelsification Major Moderate Minor Percent 0.0% Matrix 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 \$23,250 Violation Events Number of Violation Events 1 63 Number of violation days daily weekly annual single event X Violation Base Penalty \$1,750 One single event is recommended. Good Faith Efforts to Comply 0.0% Defore NOE/NOV Noe/NoV to EDPRP/Settlement Offer \$0 Extraordinary Ordinary 0.0% Reduction \$0 Notes The Respondent does not meet the good faith criteria for this violation. \$1,750 Economic Benefit (EB) for this violation Statutory Limit Test \$1,750			Potential		X Percent 7.0%	
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Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,033 Violation Final Penalty Total \$3,074				Notes The Respond	-	
Estimated EB Amount \$1,033 Violation Final Penalty Total \$3,074					Violation	Subtotal \$1,750
	Econor	nic Bene	fit (EB) for	this violation	Statutory Limit	Test
This violation Final Assessed Penalty (adjusted for limits) \$3,074			Estimate	ed EB Amount	\$1,033 Violation Final Pena	ity Total \$3,074
				This vic	plation Final Assessed Penalty (adjusted fo	r limits) \$3,074

Respondent Case ID No.		ind					
and East Defenses as March	60840						
Reg. Ent. Reference No.	RN111005716						
	Municipal Solid					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		117E publication	osta hoforo or	toring	itom (overat for	one-time avoided	1 costs)
Avoided Costs	ANNUA	ALIZE AVOIDED CO	osts before er	0.00	s0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0	<u>\$0</u> \$0
nspection/Reporting/Sampling				0.00	\$0 \$0	\$0	<u>\$0</u> \$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	<u>\$0</u> \$0
ONE-TIME avoided costs	\$1,000	30-Sep-2020	3-Jun-2021	0.67	\$33	\$1,000	\$1,033
Other (as needed)	\$1,000	<u> </u>	J Juli 2021	0.00	\$0	\$0	<u>\$1,055</u> \$0
		1		0.00	40	ΨU	4 0
Notes for AVOIDED costs						tored outside at the Date is the screenin	
Approx. Cost of Compliance		\$1,000			TOTAL		\$1,03

PCW 2 of 2

REAL PROPERTY OF THE REAL OF	Policy Re	Per evision 5 (January 28,	nalty Calcu	Ilatior	n Worksh	ieet (PC		vision February 1	1, 2021
DATES	Assigned PCW	24-May-2021 25-Aug-2023	Screening 3-Jur	n-2021	EPA Due				
	Respondent	TY INFORMATIO					,		
	g. Ent. Ref. No. ty/Site Region	4-Dallas/Fort Wor	th		Major/M	inor Source	Minor		
	NFORMATION	60040			N	6 \ /; - - ;	4		
		2021-0781-MSW-				f Violations Order Type	Findings		
Med	lia Program(s) Multi-Media	Municipal Solid W Waste Tires	aste		Government, Enf. (Coordinator	Karolyn Kent		
Adr	nin. Penalty \$ I	.imit Minimum	\$0 Maxir	num	\$25,000	EC's Team	Enforcement	Feam 3	
			Penalty Ca	alculat	tion Section	n			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation base				Subtotal 1	\$3	7,500
ADJU	STMENTS (+	/-) ТО ЅИВТО	TAL 1 the Total Base Penalty (
	Compliance Hi		the Total Base Penalty ((Subtotal 1)) by the indicated p Adjustment		tals 2, 3, & 7	\$	1,875
	Notes	Enhance	ment for one NOV	with sam	e/similar violati	ons.			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Res	pondent does not r	meet the	culpability crite	ria.			
	Good Faith Eff	ort to Comply To	tal Adjustments				Subtotal 5		\$0
	Economic Ben	əfit		0.0%	Enhancement*		Subtotal 6		\$0
		Total EB Amounts Cost of Compliance	\$10,541 \$10,200		at the Total EB \$ A	Imount			
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$3	9,375
OTHE Reduces of	R FACTORS A	Subtotal by the indica	AY REQUIRE		<mark>26.8%</mark>		Adjustment	\$1	0,541
	Notes		capture the avoide	d cost of olation.	compliance ass	ociated with			
						Final Per	alty Amount	\$4	9,916
STATU	UTORY LIMIT	ADJUSTMEN	Т			Final Asse	ssed Penalty	\$4	9,916
DEFER Reduces t		nalty by the indicated	nercentage		0.0%	Reduction	Adjustment		\$0
neudces t	Notes		eferral is recommen	nded for I	Findings Orders				
PAYA		1					J	\$4	9,916
								¥•	,- = 2

Screening Date 3-Jun-2021 Respondent Jimmy Ray Bland Case ID No. 60840 Reg. Ent. Reference No. RN111005716 Media Municipal Solid Waste

Enf. Coordinator Karolyn Kent

Compliance History Worksheet

Compliance History Site Enhancement (Subtotal 2) >> Number Component Number of... Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 1 5% the current enforcement action (number of NOVs meeting criteria) NOVs Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 0 ٥% orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders Orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 ٥% Judaments consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 ٥% counts) Chronic excessive emissions events (number of events) **Emissions** 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were 0 0% disclosed) Environmental management systems in place for one year or more No ٥% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 5% >> 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

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

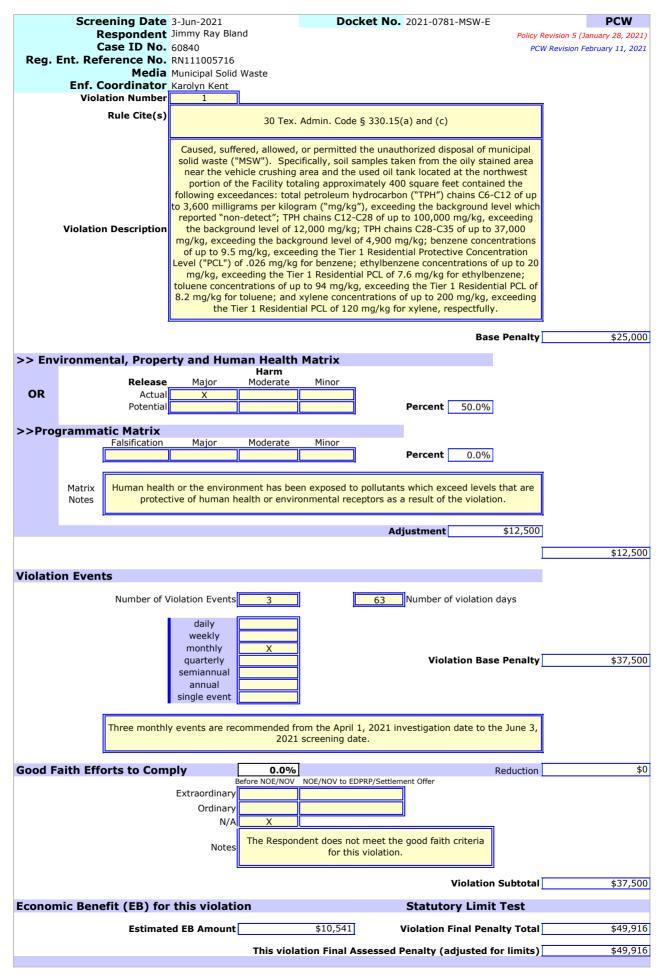
>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

PCW

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Docket No. 2021-0781-MSW-E



	E	conomic	Benefit	Wo	rksheet		
Respondent	Jimmy Ray Bla	and					
Case ID No.	60840						
Rea. Ent. Reference No.	RN111005716						
Media	Municipal Solid	d Waste					Years of
Violation No.						Percent Interest	Depreciation
						5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Notes for DELAYED costs							
Avoided Costs	ANNUA	ALIZE avoided c	osts before er	ntering	item (except for	r one-time avoide	d 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	\$200	30-Sep-2020	3-Jun-2021	0.67	\$7	\$200	\$207
Other (as needed)	\$10,000	30-Sep-2020	3-Jun-2021	0.67	\$334	\$10,000	\$10,334
Notes for AVOIDED costs	an authorized the applicab	l Facility using app ility of the Texas I cable requirement	propriate correct Risk Reduction ts of TRRP (\$10	tive me Program),000).	asures (\$200) and n ("TRRP") to the E	om the Facility and I to submit a report Executive Director, a ed are the initial inve date.	demonstrating and to comply
Approx. Cost of Compliance		\$10,200			TOTAL		\$10,54

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 CN605442888, RN111005716, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN605442888, Jimmy Ray Bland	Classification	UNCLASSIFIED	Rating:
Regulated Entity:	RN111005716, Bland Crushing and Salvage Facility	Classification	: UNCLASSIFIED	Rating:
Complexity Points:	1	Repeat Violato	or: NO	
CH Group:	14 - Other			
Location:	0.3 miles North of Fishtrap Road on	Collins Road, Denton, De	enton County, Texas	
TCEQ Region:	REGION 04 - DFW METROPLEX			
ID Number(s): WATER QUALITY NON-PER R04111005716		MUNICIPAL SOLID WA R04111005716	STE NON-PERMITT	ED ID NUMBER
Compliance History Per	iod: September 01, 2015 to August	31, 2020 Rating Ye	ar: 2020 Rati	ng Date: 09/01/2020
Date Compliance Histor	y Report Prepared: June 02, 20)21		
Agency Decision Requir	ing Compliance History: Enfo	rcement		
Component Period Selec	cted: June 02, 2016 to June 02, 20	021		
TCEQ Staff Member to C	contact for Additional Informat	tion Regarding This	Compliance Histo	ry.
Name: Hailey Johnson		Phone:	(512) 239-1756	

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five-year compliance period?	NO
2) Has there been a (known) change in ownership/operator of the site during the compliance period?	NO

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

- A. Final Orders, court judgments, and consent decrees: \$N/A\$
- **B. Criminal convictions:** N/A
- C. Chronic excessive emissions events: N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.): \$N/A\$

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

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

1	Date: 11/23/2020 (1678158)
	Self Report? NO Classification: Moderate
	Citation: 30 TAC Chapter 328, SubChapter F 328.56(d)(4)
	Description: Failure to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks.
	Self Report? NO Classification: Major
	Citation: 30 TAC Chapter 328, SubChapter F 328.56(a)(1)
	30 TAC Chapter 328, SubChapter F 328.56(d)(2) 30 TAC Chapter 328, SubChapter F 328.59(a)

	30 TAC Chapter 328, SubChapter F 328.	60(a)			
Description:	Failure to register as a scrap tire storage site for the storage of greater than 500				
	used or scrap tires on the ground.				
Self Report?	NO	Classification:	Major		
Citation:	2D TWC Chapter 26, SubChapter A 26.1	21(a)			
	30 TAC Chapter 330, SubChapter A 330.15(a)				
	30 TAC Chapter 330, SubChapter A 330.	.15(c)			
Description:	Failure to prevent an unauthorized disch	arge.			

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: \$N/A\$
- I. Participation in a voluntary pollution reduction program: $_{\mbox{N/A}}$
- J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§§§§§§§§§§

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING JIMMY RAY BLAND DBA BLAND CRUSHING AND SALVAGE FACILITY; RN111005716 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-0781-MSW-E

On ______, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Second Amended 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. The respondent made the subject of this Order is Jimmy Ray Bland dba Bland Crushing and Salvage Facility ("Respondent").

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

FINDINGS OF FACT

- 1. Respondent owned an auto crushing and scrap tire storage facility located 0.3 miles North of Fishtrap Road on Collins Road in Denton, Denton County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 2. During investigations conducted on September 24, 2020 through September 30, 2020, and April 1, 2021, an investigator documented that Respondent:
 - a. Failed to obtain a scrap tire storage 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 trailers. Specifically, approximately 4,845 scrap tires were stored on the ground at the Facility without a scrap tire storage site registration;
 - b. Failed to maintain a complete record in the form of a five-part manifest of each individual load of used or scrap tires or tire pieces transported from the Facility. Specifically, part 5 and the driver's license number required in part 2 of the five-part manifest form were not completed. Also, failed to notify the appropriate commission regional office of any transporter or authorized scrap tire facility that fails to complete the manifest, alters the generator portion of the manifest, or fails to return the manifest within three months after the off-site transportation of the used or scrap tires or tire pieces. Specifically, Respondent had not received completed manifests from a transporter and did not notify the appropriate commission regional office;
 - c. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks. Specifically, the 4,845 tires stored outside were not being monitored for vectors and insect activity was observed; and
 - d. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, soil samples taken from the oily stained area near the vehicle crushing area and the used oil tank located at the northwest portion of the Facility totaling approximately 400 square feet contained the following exceedances: total petroleum hydrocarbon ("TPH") chains C6-C12 of up to 3,600 milligrams per

kilogram ("mg/kg"), exceeding the background level which reported "non-detect"; TPH chains C12-C28 of up to 100,000 mg/kg, exceeding the background level of 12,000 mg/kg; TPH chains C28-C35 of up to 37,000 mg/kg, exceeding the background level of 4,900 mg/kg; benzene concentrations of up to 9.5 mg/kg, exceeding the Tier 1 Residential Protective Concentration Level ("PCL") of .026 mg/kg for benzene; ethylbenzene concentrations of up to 20 mg/kg, exceeding the Tier 1 Residential PCL of 7.6 mg/kg for ethylbenzene; toluene concentrations of up to 94 mg/kg, exceeding the Tier 1 Residential PCL of 8.2 mg/kg for toluene; and xylene concentrations of up to 200 mg/kg, exceeding the Tier 1 Residential PCL of 120 mg/kg for xylene, respectively.

- 3. The Executive Director recognizes that Respondent no longer owns the Facility as of July 2, 2021.
- 4. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Jimmy Ray Bland dba Bland Crushing and Salvage Facility" (the "EDSARP") in the TCEQ Chief Clerk's office on September 1, 2023.
- 5. The EDSARP was mailed to Respondent's last known address on September 1, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDSARP sent by certified mail as "unclaimed."
- 6. The Executive Director re-filed the EDSARP in the TCEQ Chief Clerk's office on October 5, 2023.
- 7. By letter dated October 5, 2023, 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 EDSARP. The United States Postal Service returned the EDSARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDSARP.
- 8. More than 20 days have elapsed since Respondent received notice of the EDSARP. 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 obtain a scrap tire storage 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 trailers, in violation of Tex. HEALTH & SAFETY CODE § 361.112(a) and 30 Tex. ADMIN. CODE §§ 328.56(d)(2), 328.59(b)(1), and 328.60(a).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain a complete record in the form of a five-part manifest of each individual load of used or scrap tires or tire pieces transported from the Facility, in violation of 30 Tex. ADMIN. CODE §§ 328.58(a) and 328.62(c). Also, failed to notify the appropriate commission regional office of any transporter or authorized scrap tire facility that fails to complete the manifest, alters the generator portion of the manifest, or fails to return the manifest within three months after the off-site transportation of the used or scrap tires or tire pieces, in violation of 30 Tex. ADMIN. CODE § 328.58(e).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks, in violation of 30 Tex. ADMIN. CODE § 328.56(d)(4).

- 5. As evidenced by Finding of Fact No. 2.d., Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 Tex. ADMIN. CODE § 330.15(a) and (c).
- 6. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDSARP, 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. 8, 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.
- 8. 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.
- 9. An administrative penalty in the amount of \$79,779 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. Respondent is assessed an administrative penalty in the amount of \$79,779 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: Jimmy Ray Bland dba Bland Crushing and Salvage Facility; Docket No. 2021-0781-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. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon Respondent.
- 5. 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.
- 6. 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.

- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
- 8. 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.
- 9. 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.
- 10. 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.

Jimmy Ray Bland dba Bland Crushing and Salvage Facility Docket No. 2021-0781-MSW-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF TAYLOR W. PEARSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Jimmy Ray Bland dba Bland Crushing and Salvage Facility' (the "EDSARP") was filed in the TCEQ Chief Clerk's office on September 1, 2023.

The EDSARP was mailed to Respondent's last known address September 1, 2023, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDSARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDSARP was re-filed in the TCEQ Chief Clerk's office on October 5, 2023.

The EDSARP was mailed to Respondent's last known address on October 5, 2023, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDSARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDSARP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is Taylor W. Pearson, 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 21st day of November, 2023

Declarant