EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61060 Michael Hughes formerly doing business as Superior Tire & Service RN111197240

Docket No. 2021-0961-MLM-E

Order Type: Default Order

Media:

MLM: MSW and IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1175 North Main Street, Vidor, Orange County

Type of Operation:

automotive mechanic shop

Other Significant Matters:

Additional Pending Enforcement Actions: None Past-Due Penalties: None Past-Due Fees: None Other: None Interested Third-Parties: None

Texas Register Publication Date: December 30, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$37,430

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$37,430

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source: Yes; No Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: December 17, 2020; June 15, 2021

 Date(s) of NOV(s):
 March 8, 2021

 Date(s) of NOE(s):
 June 28, 2021

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61060 Michael Hughes formerly doing business as Superior Tire & Service RN111197240 Docket No. 2021-0961-MLM-E

Violation Information

- 1. 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 [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 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)].
- 3. Failed to retain all manifests, work orders, invoices, or other records to support activities related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces at the Facility [30 Tex. Admin. Code § 328.58(f)].
- 4. Failed to maintain an adequate fire protection system using fire hydrants or a firewater storage pond or tank at the Facility [30 Tex. ADMIN. CODE § 328.61(g)].
- 5. Failed to submit, to the Executive Director, an annual summary of the Facility activities from January 1 through December 31 of each calendar year, showing the number and disposition of used or scrap tires or tire pieces received and the number of used or scrap tires or tire pieces removed from the Facility no later than March 1 of the year following the end of the reporting period [30 Tex. Admin. Code §§ 328.59(b)(6), 328.62(d), and 328.63(d)(6)].
- 6. Failed to obtain a registration to process scrap tires [30 Tex. ADMIN. CODE § 328.63(c)].
- 7. Failed to label or clearly mark containers used to store used oil with the words "Used Oil" [30 Tex. ADMIN. CODE § 324.6 and 40 C.F.R. § 279.22(c)(1)].
- 8. Failed to maintain a copy of the bill of lading for each shipment of used oil filters for at least three years after the date the filters were transported, stored, or processed at the Facility [30 Tex. ADMIN. CODE § 328.25(b)].
- 9. Failed to post and maintain a durable and legible sign identifying the Facility as a household used-oil collection center [30 Tex. ADMIN. CODE § 324.7(3)(A)].
- 10. Failed to secure the bulk used-oil filter container in a closed, waterproof manner [30 Tex. ADMIN. CODE §§ 324.4 and 328.23(c)].
- 11. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW [30 Tex. Admin. Code § 335.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

- 1. Immediately:
 - a. Cease generating, storing, and/or processing any additional used and/or scrap tires at the Facility until the proper registration is obtained, and
 - b. Cease disposal of any additional MSW and/or IHW at the Facility.
- 2. Within 30 days:
 - a. Establish a vector control program for tires stored outside at the Facility;
 - b. Develop and implement procedures to ensure manifests, work orders, invoices, or other records documenting the removal and management of all scrap tires generated at the Facility are maintained at the Facility;
 - c. Install an adequate fire protection system at the Facility;

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 61060 Michael Hughes formerly doing business as Superior Tire & Service RN111197240

Docket No. 2021-0961-MLM-E

- d. Develop and implement procedures designed to complete and submit the Annual Activity Report for Scrap Tire Facilities and Scrap Tire Storage Sites to the TCEQ, timely;
- e. Properly label the 250-gallon container storing used oil at the Facility with the words "Used Oil;"
- f. Begin maintaining records of bills of lading for each shipment of used oil at the Facility;
- g. Post a durable and legible sign identifying the Facility as a household used oil collection center:
- h. Provide a lid to the 55-gallon drum containing used oil filters at the Facility;
- i. Develop and implement procedures to prevent any future unauthorized disposal of IHW at the Facility, and
- j. Clean up and remove all IHW from the Facility and dispose of it at an authorized facility using appropriate corrective measures;
- 3. Within 180 days obtain a scrap tire storage registration for generating, storing, and processing scrap tires at the Facility; or
- 4. In Lieu of Technical Requirement No. 3, within 90 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 by using a registered transporter and an authorized storage, processing, or disposal facility, and maintain manifests.
- 5. Within 240 days submit written certification to demonstrate compliance with Technical Requirement No. 1. through 2.j. and 3. or 1. through 2.j. and 4.

Litigation Information

Date Petition(s) Filed:March 28, 2022; April 8, 2022Date Green Card(s) Signed:Lost in transit; April 13, 2022

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400

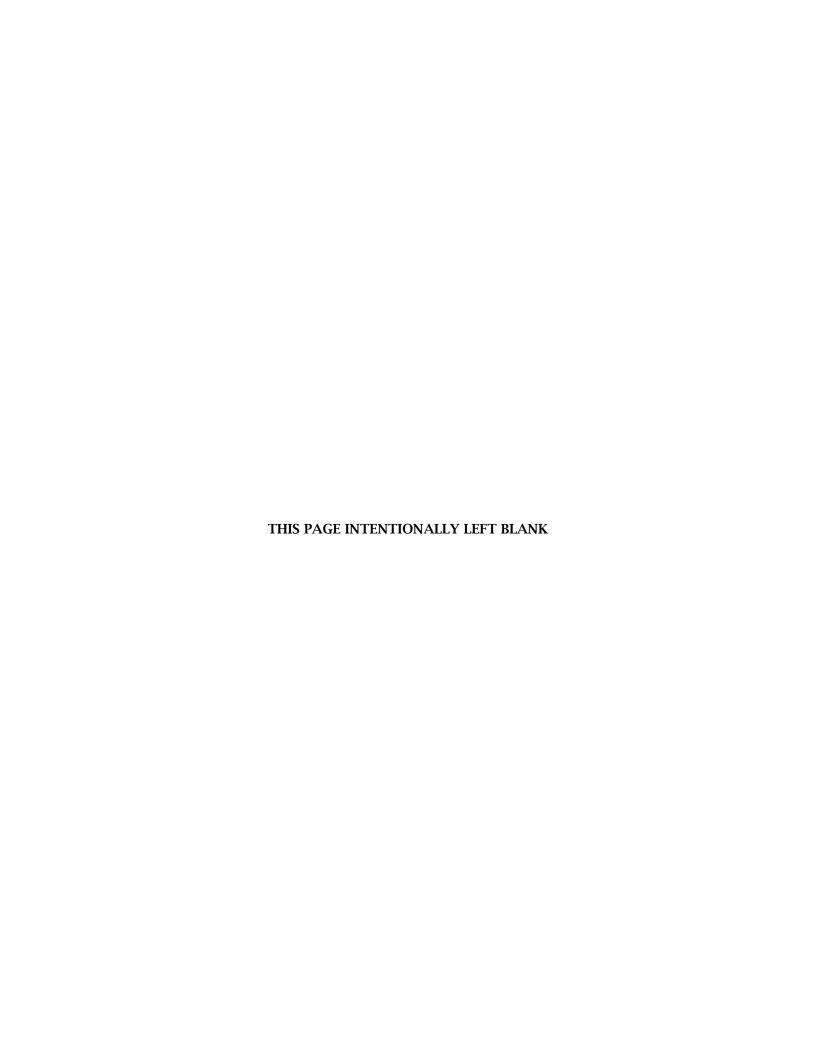
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Ken Moller, Enforcement Division, (512) 239-1756 **TCEQ Regional Contact:** Charlie Adams, Beaumont Regional Office, (409) 899-8788

Respondent Contact: Michael Hughes, 9846 Misty Plain Drive, San Antonio, Texas 78245

Respondent's Attorney: N/A





Penalty Calculation Worksheet (PCW)

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

Assigned 6-Jul-2021 PCW 7-Feb-2022 **DATES**

Screening 16-Jul-2021 **EPA Due**

RESPONDENT/FACILITY INFORMATION							
Respondent Michael Hughes formerly doing business as Superior Tire & Service							
Reg. Ent. Ref. No.							
Facility/Site Region	10-Beaumont	Major/Minor Source Major					

CASE INFORMATION	
Enf./Case ID No. 61060	No. of Violations 6
Docket No. 2021-0961-MLM-E	Order Type 1660
Media Program(s) Waste Tires	Government/Non-Profit No
Multi-Media Used Oil/Used Oil Filter & IHW	Enf. Coordinator Hailey Johnson
	EC's Team Enforcement Team 6
Admin. Penalty \$ Limit Minimum \$0 Maximum	\$25,000

		Penalty (Calculatio	on Section	 						
TOTAL BASE PEN	ALTY (Sum o	,				Subtotal 1	\$29,250				
ADJUSTMENTS (- Subtotals 2-7 are	+/-) TO SUBT obtained by multiplyir	OTAL 1 g the Total Base Penalty	(Subtotal 1) by t	the indicated percer	ntage.						
Compliance I	Hi <u>story</u>		5.0%	Adjustment	Subt	otals 2, 3, & 7	\$1,462				
Note	Notes Enhancement for one NOV with same/similar violations.										
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0				
Note	The	Respondent does no	ot meet the cu	ulpability criteria	а.						
Good Faith E	ffort to Comply	Total Adjustments	•			Subtotal 5	\$0				
		•					·				
Economic Be	nefit		0.0%	Enhancement*		Subtotal 6	\$0				
	Total EB Amounts ed Cost of Compliance			t the Total EB \$ Am	ount		7-				
SUM OF SUBTOTA	ALS 1-7					Final Subtotal	\$30,712				
OTHER FACTORS Reduces or enhances the Fir				3.4%		Adjustment	\$1,049				
Notes	Enhancemen	t to capture the avo Violation	ided cost of control of the Nos. 2 and 5		ciated with						
					Final Pe	enalty Amount	\$31,761				
STATUTORY LIM	IT ADJUSTME	NT			Final Ass	essed Penalty	\$31,761				
DEFERRAL				0.0%	Reduction	Adjustment	\$0				
Reduces the Final Assessed	Penalty by the indicate	ed percentage.					·				
Notes	De	eferral not offered fo	or non-expedit	ted settlement.							
PAYABLE PENAL	ГҮ						\$31,761				

Screening Date 16-Jul-2021

Docket No. 2021-0961-MLM-E

PCW

Respondent Michael Hughes formerly doing business as Superior Tire & Service

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

Case ID No. 61060

Reg. Ent. Reference No. RN111197240

Media Waste Tires
Enf. Coordinator Hailey Johnson

• Co	mpliance Hist	Compliance History Worksheet ory 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 (number of NOVs meeting criteria)	1	5%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	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	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 consent decrees meeting criteria)	0	0%	
	and Consent Decrees	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 (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	545.	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 Pero	centage (Sul	ototal 2)	5%
Re	peat Violator	(Subtotal 3)			
	N/A	Adjustment Pero	centage (Sul	ototal 3)	0%
Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Pero	centage (Sul	ototal 7)	0%
Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for one NOV with same/similar violations.			
		Total Compliance History Adjustment Percentage (S History Adjustment	Subtotals 2,	<i>3, & 7)</i> _ :	5%
E:	Come				

	Screening Date Respondent		formarly dai			2021-0961-MLM-E		PCW
	Case ID No.	_	i formerty doi	ing business o	as Superior	THE & Service		Revision 5 (January 28, 2021) V Revision February 11, 2021
Reg. I	Ent. Reference No.							
	Media Enf. Coordinator	Waste Tires Hailey Johnson						
	Violation Number							
	Rule Cite(s)	30 Tex. Adm		328.60(a), 328 th & Safety C		, and 328.59(b)(1) .112(a)) and Tex.	
	Violation Description	storing more t tires in enclos tires were store scrap tire pie	than 500 used ed and lockal ed on the gro eces approxin	d or scrap tire ole containers und at the Fa nately equival	es on the g s. Specifica cility and d lent to 31 s	tion for the Facility pround or 2,000 us ally, approximately one 250-gallon tot scrap tires was sto site registration.	ed or scrap / 600 scrap e containing	
						Ва	ase Penalty	\$25,000
>> Env	ironmental, Prope	rty and Hum		Matrix				
	Release	Major	Harm Moderate	Minor				
OR	Actual					Downant 0.00	7	
	Potential					Percent 0.09	<u>/o</u>	
>>Prog	grammatic Matrix	Madau	Madausta	Minan				
	Falsification	Major x	Moderate	Minor		Percent 20.0%	/o	
	Matrix Notes	100	0% of the rule	e requirement	t was not r	net.		
					Adj	justment	\$20,000	
							I	\$5,000
Violatio	on Events							
Violatio		iolation Events	1		31	Number of violation	on days	
		daily weekly monthly quarterly semiannual annual single event	X			Violation Ba	ase Penalty	\$5,000
	One monthly	event is recomm		the June 15, screening da		rd review date to t	the July 16,	
Good Fa	aith Efforts to Com		0.0%			. 255	Reduction	\$0
		В Extraordinary	efore NOE/NOV	NOE/NOV to ED	PRP/Settlem	ent Offer		
		Ordinary						
		N/A	Х				-	
		Notes	The Respon		t meet the violation.	good faith criteria		
						Violatio	on Subtotal	\$5,000
Econon	nic Benefit (EB) for	this violation	on			Statutory Lim	it Test	
	Estimate	ed EB Amount		\$686	,	Violation Final Pe	enalty Total	\$5,429
			This viola	ation Final A		Penalty (adjusted	-	\$5,429
			i ilis Viula	acion i illai A	JJCJJCU F	chairy (aujusted		₽ J, 4 29

	Economic Benefit Worksheet									
Respondent	Michael Hughes formerly doing business as Superior Tire & Service									
Case ID No.	61060									
Reg. Ent. Reference No.										
	Waste Tires						Years of			
						Percent Interest				
Violation No.	1						Depreciation			
						5.0	15			
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description		•								
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	\$10,000	17-Dec-2020	2-May-2022	1.37	\$686	n/a	\$686			
Other (as needed)				0.00	\$0	n/a	\$0			
Notes for DELAYED costs	th	e initial investigat	ion date and the	Final [Date is the estimat	the Facility. The Da ed date of complian	ce.			
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	costs)			
Disposal				0.00	\$0	\$0	\$0			
Personnel				0.00	\$0	\$0	\$0			
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0			
Supplies/Equipment				0.00	\$0	\$0	\$0			
Financial Assurance				0.00	\$0	\$0	\$0			
ONE-TIME avoided costs				0.00	\$0	\$0	\$0			
Other (as needed)				0.00	\$0	\$0	\$0			
Notes for AVOIDED costs										
Approx. Cost of Compliance		\$10,000			TOTAL		\$686			

	Screening Date		PCW
			Revision 5 (January 28, 2021)
Rea	Case ID No. Ent. Reference No.		CW Revision February 11, 2021
iteg.		Waste Tires	
	Enf. Coordinator		
	Violation Number	2	_
	Rule Cite(s)	30 Tex. Admin. Code § 328.56(d)(4)	
	Violation Description	Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks. Specifically, the 600 tires stored outside were not being monitored for vectors, and standing water was observed in the tires.	
		Base Penalty	\$25,000
>> Fn	vironmental. Prope	ty and Human Health Matrix	
, , <u>_</u>		Harm	
OR	Release Actual	Major Moderate Minor	
OK	Potential	x Percent 7.0%	
>>Pro	grammatic Matrix	Major Madausta Minar	
	Falsification	Major Moderate Minor Percent 0.0%	
		0.0000	
		h or the environment will or could be exposed to insignificant amounts of pollutants	
	Notes that would no	t exceed levels that are protective of human health or environmental receptors as a	
		result of the violation.	
		Adjustment \$23,250	ס
			±1.750
			\$1,750
Violati	on Events		
	Number of N	iolation Events 1 31 Number of violation days	
	Number of V	iolation Events 1 Number of violation days	
		daily	
		weekly	
		monthly quarterly Violation Base Penalty	\$1,750
		semiannual	7-7:00
		annual	
		single event x	
			7
		One single event is recommended.	
			_
Good I	Faith Efforts to Com	Ply 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 Subtota	I \$1,750
Econo	mic Benefit (EB) for	this violation Statutory Limit Test	
		ed EB Amount \$548 Violation Final Penalty Tota	\$1,900
	EStillati	•	-
		This violation Final Assessed Penalty (adjusted for limits	\$1,900

	Е	conomic	Benefit	Wor	ksheet		
Respondent	Michael Hughe	es formerly doing l	business as Sup	erior Tir	e & Service		
Case ID No.	61060						
Reg. Ent. Reference No.							
	Waste Tires						Years of
Violation No.						Percent Interest	Depreciation
Violation No.	2						
						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)	\$500	17-Dec-2020	2-May-2022	1.37	\$34	n/a	\$34
Notes for DELAYED costs	Date Requ	ired is the initial ir	nvestigation dat	e and th	ne Final Date is the	tored outside at the e estimated date of	compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/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	17-Dec-2020	16-Jul-2021	0.58	\$14	\$500	\$514
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs					-	tored outside at the te is the screening o	•
1							

	Screening Date				:ket No. 2021-0961-MLM-E		PCW
			formerly doi:	ng business as	Superior Tire & Service		evision 5 (January 28, 2021)
Peg	Case ID No. Ent. Reference No.					PCV	V Revision February 11, 2021
Keg.		Waste Tires					
	Enf. Coordinator						
	Violation Number	3					
	Rule Cite(s)		30	Tex. Admin. C	ode § 328.58(f)		
	Violation Description	activities relate	d to the accu eces at the Fa	mulation, hand acility. Specific	s, invoices, or other records to dling, and shipment of used or s cally, no scrap tire records were e investigation.	crap tires	
					Base	e Penalty	\$25,000
>> Fn	vironmental, Prope	ty and Hum	an Health	Matrix			
LII	vironiniental, Fropei	ty and main	Harm	Matrix			
OR	Release	Major	Moderate	Minor			
OK	Actual Potential				Percent 0.0%		
					0.0.0		
>>Pro	grammatic Matrix Falsification	Maior	Moderate	Minor			
	Palsification	Major x	Moderate	Minor	Percent 20.0%		
							,
	Matrix						
	Notes	100	0% of the rul	e requirement	was not met.		
					Adjustment	\$20,000	
							\$5,000
Violeti	on Evente						
violati	on Events						
	Number of \	iolation Events	1		31 Number of violation	days	
		daily weekly monthly quarterly semiannual annual	х		Violation Base	e Penalty	\$5,000
		single event					
	One monthly	event is recom		the June 15, I screening da	2021 record review date to the te.	July 16,	
Good I	Faith Efforts to Com	ply	0.0%			Reduction	\$0
		Be	fore NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer		·
		Extraordinary					
		Ordinary N/A	Х				
		14/7			and the second fields and the state for		
		Notes	The Respond		neet the good faith criteria for riolation.		
					Violation	Subtotal	\$5,000
Econo	mic Benefit (EB) for	this violatio	n		Statutory Limit	Test	
		ed EB Amount		\$34	Violation Final Pena		\$5,429
	Latillate	A ED AMOUNT					
			This vio	lation Final A	ssessed Penalty (adjusted f	or limits)	\$5,429

	_	-					
	E	conomic	Benefit	Woi	'ksheet		
Respondent	Michael Hughe	es formerly doing l	ousiness as Sup	erior Tir	e & Service		
Case ID No.	_						
Reg. Ent. Reference No.)					
	Waste Tires					Percent Interest	Years of
Violation No.	3					r crecine zinterest	Depreciation
						5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
		Date Required	rillai Date	113	Interest Saveu	Costs Saveu	LB Alliount
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	\$500	17-Dec-2020	2-May-2022	1.37	\$34	n/a	\$34
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
						nanifests, work orde ires generated at th	
Notes for DELAYED costs							
	maintained	at the Facility.	•			n date and the Fina	Date is the
					of compliance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	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							
Notes for Avoided costs							
Approx. Cost of Compliance		¢E00			TOTAL		#24
Approx. Cost of Compliance		\$500			TOTAL		\$34

	Screening Date	16-Jul-2021			No. 2021-0961-MLM-E		PCW
	Respondent Case ID No.		formerly doi	ng business as Supe	erior Tire & Service		evision 5 (January 28, 2021
Rea.	Ent. Reference No.					PCW	Revision February 11, 202.
		Waste Tires					
	Enf. Coordinator		•				
	Violation Number Rule Cite(s)						
	Kule Cite(s)		30	Tex. Admin. Code §	328.61(g)		
		Failed to ma	intain an ade	equate fire protection	n system using fire hydrants	s or a	
	Violation Description			storage pond or tar			
					Base	Penalty	\$25,00
>> En	vironmental, Prope	rty and Hum		Matrix			
	Release	Major	Harm Moderate	Minor			
OR	Actual		Hoderate	THIO			
	Potential	X			Percent 30.0%		
>>Pro	grammatic Matrix						
77110	Falsification	Major	Moderate	Minor			
					Percent 0.0%		
				•	pollutants that would excee ptors as a result of the viola		
	Notes that are p	Totective of fluid	iaii ileaitii oi	environmentar rece _l	ptors as a result of the viola	tion.	
					Adjustment	\$17,500	
					710,000	Ψ1.7000 ₁	+7.50
						L	\$7,50
Violati	on Events						
	Number of '	Violation Events	1	31	Number of violation d	ays	
			-	<u> </u>		. , -	
		daily					
		weekly monthly	Х				
		quarterly			Violation Base	Penalty	\$7,50
		semiannual annual					
		single event					
				4			
	One monthl	y event is recom	mended from	n the June 15, 2021	record review date to the J	uly 16,	
			202:	1 screening date.			
Good I	aith Efforts to Com	nly	0.0%			oduction	\$1
good I	aitii Eiluits tu Com		efore NOE/NOV	NOE/NOV to EDPRP/Se		eduction	Ψ'
		Extraordinary					
		Ordinary					
		N/A	X	<u> </u>			
		Notes	The Respond	dent does not meet t this violation	the good faith criteria for		
				tilis violati	UII.		
					Violation 9	Subtotal	\$7,50
Econo	mic Donofit (ED) for	this visiati					
cono	mic Benefit (EB) for	_	711		Statutory Limit	_	
	Estimat	ed EB Amount		\$961	Violation Final Penal	ty Total	\$8,14
			This vio	lation Final Asses	sed Penalty (adjusted fo	r limits)	\$8,14

	Е	conomic	Benefit '	Woi	ksheet		
Respondent	Michael Hughe	es formerly doing b	ousiness as Supe	erior Tir	e & Service		
Case ID No.	61060	, ,	·				
Reg. Ent. Reference No.)					
	Waste Tires						Years of
Violation No.						Percent Interest	Depreciation
Tiolation No.	•					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	Item Cost	Date Required	i illai Date	113	Interest Saveu	Costs Saveu	LD Amount
Item Description							
Delayed Costs							
Equipment	\$10,000	17-Dec-2020	2-May-2022	1.37	\$46	\$915	\$961
Buildings	7-3,533			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)		<u> </u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	th	ne initial investigati	ion date and the	Final D	Date is the estimat	the Facility. The Da	ce.
	ANNO	ALIZE avoided C	osts perore en	0.00			
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$961

	Screening Date				ket No. 2021-0961-MLM-E		PCW
			formerly doin	ng business as S	Superior Tire & Service	Policy Revision	5 (January 28, 2021)
_	Case ID No.					PCW Revision	on February 11, 2021
Reg.	Ent. Reference No.						
		Waste Tires					
	Enf. Coordinator		7				
	Violation Number						
	Rule Cite(s)	30 Tex.	. Admin. Code	e §§ 328.59(b)(6), 328.63(d)(6), and 328.62(d)	
	Violation Description	Failed to su activities from number and number of use March 1 of t	ubmit to the E January 1 the d disposition c d or scrap tire he year follow	executive Director cough December of used or scrap es or tire pieces wing the end of t	or an annual summary of the far 31 of each calendar year, shown tires or tire pieces received, and removed from the facility no lather reporting period. Specificall nual Report by the March 1, 202 ate.	cility wing the d the ter than y, the 20 report	
					Base	Penalty	\$25,000
>> Env	ironmental, Prope	rtv and Hum	an Health	Matrix			
		arc, and man	Harm	110011111			
	Release		Moderate	Minor			
OR	Actua						
	Potentia				Percent 0.0%		
D							
>>Pro	grammatic Matrix Falsification	Major	Moderate	Minor			
	Faisilication	Major	Moderate	MILIOI	Percent 20.0%		
		X			Percent 20.0%		
	Matrix Notes	10	00% of the rul	le requirement v	was not met.		
					Adjustment	\$20,000	
							\$5,000
Violeti.	an Evanta						
violatio	on Events						
	Number of	Violation Events	1		502 Number of violation d	ave	
	Number of	Violation Events	1		Number of violation a	ays	
		daily weekly monthly			Walatin Barr	D	45.000
		quarterly			Violation Base	Penalty	\$5,000
		semiannual annual					
		single event	×				
		omgre or one		1			
			One single	event is recomr	mended.		
Good F	aith Efforts to Car	nhv	0.00/			aduation	# 0
good F	aith Efforts to Con		0.0% efore NOE/NOV	NOE/NOV to EDDE	RP/Settlement Offer	eduction	\$0
		Extraordinary	elore NOL/NOV	NOL/NOV to EDFF	Cr/Settlement Onei		
		Ordinary					
		N/A	Х				
		14/ 🕰	^				
		Notes	The Respond		eet the good faith criteria for olation.		
					Violation 9	Subtotal	\$5,000
Econon	nic Benefit (EB) fo	r this violatio	on		Statutory Limit	Test	
				15.0			1= 45
	Estimat	ed EB Amount		\$542	Violation Final Penal	ity i otal	\$5,429
			This vio	lation Final As	ssessed Penalty (adjusted fo	r limits)	\$5,429
					· ` ` ·		

	E	conomic	Benefit	Wor	ksheet		
Respondent	Michael Hughe	s formerly doing I	ousiness as Sup	erior Tir	e & Service		
Case ID No.	_	, 3	•				
Reg. Ent. Reference No.							
	Waste Tires						Years of
						Percent Interest	Depreciation
Violation No.	5						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
200 2 200 p 3.0							
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 \$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$100	17-Dec-2020	2-May-2022	1.37	\$0 \$7	n/a	\$7
Notes for DELAYED costs	Activity Repor	t for Scrap Tire Fa	cilities and Scra	p Tire S	Storage Sites to th	o complete and sub e TCEQ timely. The ated date of complia	Date Required
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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	1500			0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$500	1-Mar-2020	16-Jul-2021	1.38	\$35	\$500	\$535
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		lanuary 1, 2019 th	nrough Decembe	er 31, 2	•	re Facilities and Scra od. The Date Requi ening date.	
Approx. Cost of Compliance		\$600			TOTAL		\$542

	Screening Date		
		lichael Hughes formerly doing business as Superior Tire & Servi	ce Policy Revision 5 (January 28, 2021
Dan	Case ID No.		PCW Revision February 11, 202.
Reg.	Ent. Reference No.	Vaste Tires	
	Enf. Coordinator		
	Violation Number	6	
	Rule Cite(s)	30 Tex. Admin. Code § 328.63(c)	
	Violation Description	Failed to obtain a registration to process scrap tires. Specifical was recycling tire tubing to produce new tires for cherry-pickers a registration.	, ,
			Base Penalty \$25,000
>> En	vironmental. Prope	y and Human Health Matrix	
		Harm	
OR	Release Actual	Major Moderate Minor	
O.K	Potential	Percent	0.0%
_			
>>Pro	grammatic Matrix Falsification	Major Moderate Minor	
	T distriction	x Percent	20.0%
	Matrix	100% of the rule requirement was not met.	
	Notes		
		Adjustment	\$20,000
		, ,	
			\$5,000
Violati	on Events		
	Number of N	plation Events 1 31 Number of	violation days
	Trainiber of	Julion Events 1 Ji Muniser of	violation days
		daily	
		weekly monthly x	
			tion Base Penalty \$5,000
		semiannual	
		annual single event	
		single event	
	One monthly	event is recommended from the June 15, 2021 record review da	ate to the July 16,
		2021 screening date.	
Caadi	-:	L. 0.00	
Good I	Faith Efforts to Com	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Reduction \$1
		Extraordinary	
		Ordinary	
		N/A x	
		Notes The Respondent does not meet the good faith creating this violation.	iteria for
			Violation Subtotal \$5,000
Econor	mic Benefit (EB) for	this violation Statuto	ry Limit Test
			inal Penalty Total \$5,429
	Esumati		
		This violation Final Assessed Penalty (a	djusted for limits) \$5,429

	Е	conomic	Benefit	Woi	ksheet		
Posnondont		es formerly doing b					
		es formerly doing t	Jusiliess as Sup	E1101 111	e a service		
Case ID No.							
Reg. Ent. Reference No.	RN111197240)					
Media	Waste Tires					Percent Interest	Years of
Violation No.	6					Percent Interest	Depreciation
7101410111101						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
Notes for DELAYED costs Avoided Costs	ANNII				ded in Violation No	o. 1. one-time avoided	(costs)
Disposal	Aitito	ALIZE UVOIUCU C	DOLO DETOTE CIT	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$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		,,		0.00	1 40	Ψ0	Ψ0
Approx. Cost of Compliance		\$0			TOTAL		\$0

\$1,732



Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Penalty Calculation Worksheet (PCW)

	Policy R	Pe evision 5 (January 28	,	Laiculatio	n worksi	ieet (PCV	,	sion February 11, 2021
DATES	Assigned	6-Jul-2021	• •					<u> </u>
DAILS	PCW	7-Feb-2022	Screening	16-Jul-2021	EPA Due			
		7 1 CD 2022	oci ceiiiii	10 301 2021	LI A Duc			
RESPO	NDENT/FACILI	TY INFORMATI	ON					
		Michael Hughes	formerly do	ing business as S	Superior Tire & S	Service		
	g. Ent. Ref. No.					-		
Facili	ty/Site Region	10-Beaumont			Major/M	linor Source Mi	nor	
CACET	NFORMATION							
	f./Case ID No.	61060		1	No. o	of Violations 4		
E11	•	2021-0961-MLM	_F		NO. C	Order Type 16	560	
Med		Used Oil/Used O			Government	/Non-Profit No		
1100		Waste Tires & II				Coordinator Ha		
						EC's Team En		
Adı	min. Penalty \$ I	Limit Minimum	\$0	Maximum	\$5,000			
			,					
				lty Calcula		on	_	
TOTA	L BASE PENA	LTY (Sum of	violation	n base penal	ties)	:	Subtotal 1	\$1,650
ADIII	STMFNTS (+	/-) TO SUBT	ΌΤΔΙ 1					
ADJU	Subtotals 2-7 are of	otained by multiplying	the Total Base	e Penalty (Subtotal 1) by the indicated p	ercentage.		
	Compliance Hi		•	5.0%	Adjustment		s 2, 3, & 7	\$82
	Notes	Enhanc	ement for or	ne NOV with sam	e/similar violati	ions.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes		spondent do	pes not meet the			_	, -
	Good Faith Eff	ort to Comply T	otal Adjust	ments			Subtotal 5	\$0
							_	·
	Economic Ben	ofit		0.00/-	Enhancement*		Subtotal 6	\$0
		Total EB Amounts I Cost of Compliance	\$13 \$185		d at the Total EB \$ A		Subtotal o	40
CIIM 4	OF SUBTOTA	1617				Pf	. Cubbabal	£1 722
SUM (JF SUBIUIA	ra 1-/				Fina	l Subtotal	\$1,732
OTHE	R FACTORS	AS JUSTICE N	1AY PEOL	ITRF	0.0%	Α.	djustment	\$0
		I Subtotal by the indi			0.0 70	A	ujustinent	Ψ0
	Notes	,						
						Final Penalt	ty Amount [\$1,732
STATI	UTORY LIMIT	T ADJUSTMEI	NT			Final Assesse	ed Penalty	\$1,732
B ====	DD 41							
DEFE		enalty by the indicate	d percentage		0.0%	Reduction A	djustment	\$0

Deferral not offered for non-expedited settlement.

Screening Date 16-Jul-2021

Docket No. 2021-0961-MLM-E

PCW

Respondent Michael Hughes formerly doing business as Superior Tire & Service

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

Case ID No. 61060 Reg. Ent. Reference No. RN111197240

Media Used Oil/Used Oil Filter

Enf. Coordinator Hailey Johnson

		Compliance History Worksheet		
Compliance Compone		ncement (Subtotal 2)	Number	Adjust.
Compone		of violation ("NOVs") with same or similar violations as those in		
NOVs		orcement action (number of NOVs meeting criteria)	1	5%
	Other written N		0	0%
	orders meeting	al enforcement orders containing a denial of liability (<i>number of criteria</i>)	0	0%
Orders	without a den	ed final enforcement orders, agreed final enforcement orders lial of liability, or default orders of this state or the federal any final prohibitory emergency orders issued by the commission	0	0%
Judgmer and Cons	of liability of t	cated final court judgments or consent decrees containing a denial this state or the federal government (number of judgments or s meeting criteria)	0	0%
Decree	Any adjudicate	d final court judgments and default judgments, or non-adjudicated ments or consent decrees without a denial of liability, of this state overnment	0	0%
Conviction	Any criminal counts)	onvictions of this state or the federal government (number of	0	0%
Emissio	Chronic excess	ive emissions events (number of events)	0	0%
Audits	Texas Environr	g the executive director of an intended audit conducted under the mental, Health, and Safety Audit Privilege Act, 74th Legislature, of audits for which notices were submitted)	0	0%
Addits		violations under the Texas Environmental, Health, and Safety Audit 4th Legislature, 1995 (<i>number of audits for which violations were</i>	0	0%
	Environmental	management systems in place for one year or more	No	0%
	Voluntary on-s	ite compliance assessments conducted by the executive director	No	0%
Other	· ·	assistance program	-	
	· ·	a voluntary pollution reduction program	No	0%
		ce with, or offer of a product that meets future state or federal vironmental requirements	No	0%
		Adjustment Per	centage (Sub	ototal 2)
Repeat Viola	tor (Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	ototal 3)
Compliance	History Person Cla	ssification (Subtotal 7)		
	N/A	Adjustment Per	centage (Sub	ototal 7)
Compliance	History Summary			
Complia Histor Notes		Enhancement for one NOV with same/similar violations.		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) <u> </u>
inal Complia	nce History Adjust			
		Final Adjustment Percent	age *capped	at 100%

	Screening Date	16-Jul-2021		Dock	et No. 2021-096	61-MLM-E	PCW
			s formerly doin	ng business as	Superior Tire & S	ervice	Policy Revision 5 (January 28, 2021)
_	Case ID No						PCW Revision February 11, 2021
Reg.	Ent. Reference No		O:1 F:14-				
	Media Enf. Coordinato	Used Oil/Used					
	Violation Numbe		1				
			. Admir C .	C 224 C .	10.0-455	l Dee Jeri	
	Rule Cite(s	30 Tex	. Admin. Code	§ 324.6 and 4 § 279.22(10 Code of Federa	Regulations	
				8 213.22(C)(1)		
					used to store used		
	Violation Description	used Oil". S			ntainer storing us	ed oil at the	Facility
			V	vas not proper	ly labeled.		
						Rase	Penalty \$5,000
							φογοσο
>> En	vironmental, Prope	erty and Hum		Matrix			
	Releas	e Major	Harm Moderate	Minor			
OR	Actua		rioderate	Timo			
	Potentia				Percent	0.0%	
_							
>>Pro	grammatic Matrix Falsification	Major	Moderate	Minor			
	Faisincation	Major x	Moderate	MILLOI	Percent	10.0%	
						10.070	
	Malain						
	Matrix Notes	100	0% of the rule	requirement v	vas not met.		
	Notes						
					Adjustment		\$4,500
					Aujustillellt		\$4,500
							\$500
Violati	on Events						
Violati	on Events	_					
	Number of	Violation Events	1		31 Number	of violation d	ays
		doily					
		daily weekly					
		monthly	X				
		quarterly			Viol	ation Base	Penalty \$500
		semiannual					
		annual					
		single event					
	One month!	y event is recom		the June 15, 20 screening date	021 record review	date to the 2	July 16,
			2021 .	sercening date			
Good F	aith Efforts to Con	nnly	0.0%			D.	eduction \$0
Joou r	and Enorts to con	• •		NOE/NOV to EDPF	RP/Settlement Offer	- Ke	Sudection 90
		Extraordinary					
		Ordinary					
		N/A	X				
			The Respond	ent does not r	neet the good fait	h criteria	
		Notes		for this v			
		l					
						Violation S	ubtotal \$500
Econor	nic Benefit (EB) fo	r this violation	on		Statute	ory Limit 1	Test Test
	Estima	ted EB Amount		\$0	Violation	Final Penals	ty Total \$525
			This violat	ion Final Ass	essed Penalty (a	adjusted for	limits) \$525

	Е	conomic	Benefit	Wor	ksheet		
Respondent	Michael Hughe	es formerly doing l	ousiness as Sup	erior Tir	e & Service		
Case ID No.	61060						
Reg. Ent. Reference No.	RN111197240)					
	Used Oil/Used						Years of
Violation No.	•	Oil Tiller				Percent Interest	Depreciation
Violation No.	•					F 0	-
						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)	\$5	17-Dec-2020	2-May-2022	0.00 1.37	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	words "Used	d Oil". The Date R	equired is the ir dat	itial inv e of con	restigation date an npliance.	e Facility storing use d the Final Date is t	he estimated
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5			TOTAL		\$0

	Screening Date	16-Jul-2021	Docket No. 2021-0961-MLM-E	PCW
	Respondent Case ID No.		ng business as Superior Tire & Service	Policy Revision 5 (January 28, 2021)
Rea.	Ent. Reference No.			PCW Revision February 11, 2021
1109.		Used Oil/Used Oil Filter		
	Enf. Coordinator	Hailey Johnson		
	Violation Number	2		
	Rule Cite(s)	30	Tex. Admin. Code § 328.25(b)	
	Violation Description		the bill of lading for each shipment of used oil filter e date the filters were transported, stored, or proce at the Facility.	
			Base Per	s 5,000
>> En	vironmental, Prope	rty and Human Health	Matrix	
	Release	Harm Major Moderate	Minor	
OR	Actual	Major	Millor	
	Potential		Percent 0.0%	
>> Dro	grammatic Matrix			
F10	Falsification	Major Moderate	Minor	
		Х	Percent 10.0%	
	Matrix	100% of the rul	le requirement was not met.	
	Notes			
			Addresses	
			Adjustment \$2	1,500
				\$500
Violati	on Events			
	Number of N	/iolation Events 1	31 Number of violation days	
	Number of V	riolation Events 1	Number of violation days	
		daily		
		weekly monthly		
		quarterly	Violation Base Per	nalty \$500
		semiannual		
		annual x		
		Siligle event X		
		0		
		Offe strigte	event is recommended.	
Good I	aith Efforts to Com	ply 0.0%		ction \$0
good I	aith Life to Coll	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	\$U
		Extraordinary		
		Ordinary		
		N/A x		
		Notes The Respond	dent does not meet the good faith criteria for this violation.	
			Violation Sub	total \$500
Econor	mic Benefit (EB) for	this violation	Statutory Limit Tes	·t
	Estimate	ed EB Amount	\$7 Violation Final Penalty	Fotal \$525
		This vio	lation Final Assessed Penalty (adjusted for lin	nits) \$525

	Е	conomic	Benefit	Wor	ksheet		
Respondent	Michael Hughe	s formerly doing b	ousiness as Sup	erior Tir	e & Service		
Case ID No.	_	, 3	•				
Reg. Ent. Reference No.							
	Used Oil/Used						Years of
Violation No.	•	Oii Fiitei				Percent Interest	Depreciation
Violation ito	_					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	200 0050	Dute Required	i iiiai Date		Interest Sureu	costs surcu	LD /timount
Item Description							
Delayed Costs							
Equipment		1		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	17-Dec-2020	2-May-2022	1.37	\$7	n/a	\$7
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	The Date Re	quired is the initial	investigation d	ate and	the Final Date is t	ipment of used oil a the estimated date o	of compliance.
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	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				0.00	\$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$100			TOTAL		\$7

	Screening Date	16-Jul-2021	Docket No. 2021-0961-MLM-E	PCW
			g business as Superior Tire & Service	Policy Revision 5 (January 28, 2021)
Rea	Case ID No. Ent. Reference No.			PCW Revision February 11, 2021
ixeg.		Used Oil/Used Oil Filter		
	Enf. Coordinator			
	Violation Number Rule Cite(s)	3		
	Rule Cite(S)	30 T€	ex. Admin. Code § 324.7(3)(A)	
		Failed to post and maintain	a durable and legible sign identifying the Facility a	s a
	Violation Description		ehold used oil collection center.	
			Base Per	s 5,000
>> En	vironmental, Prope	ty and Human Health	Matrix	
		Harm		
OR	Release Actual	Major Moderate	Minor	
	Potential		Percent 0.0%	
> > D##	arammatic Matrix		·	
>>P10	grammatic Matrix Falsification	Major Moderate	Minor	
		Х	Percent 10.0%	
	Matrix	100% of the rule	e requirement was not met.	
	Notes		•	
			Adjustment \$4	1,500
			Aujustinent	
				\$500
Violati	on Events			
	Number of \	iolation Events 1	31 Number of violation days	
	Number of V	iolation Events 1	Number of Violation days	
		daily		
		weekly monthly		
		quarterly	Violation Base Per	nalty \$500
		semiannual		
		annual single event x		
		One single e	event is recommended.	
		one single e	event is recommended.	
Caadi	Taith Efforts to Com			
Good	Faith Efforts to Com		NOE/NOV to EDPRP/Settlement Offer	ction \$0
		Extraordinary		
		Ordinary		
		N/A x		
		Notes The Responde	ent does not meet the good faith criteria for	
			this violation.	
			Violation Sub	total \$500
_				
Econo	mic Benefit (EB) for	this violation	Statutory Limit Tes	t
	Estimate	ed EB Amount	\$3 Violation Final Penalty 1	Fotal \$525
		This viola	ation Final Assessed Penalty (adjusted for lin	nits) \$525
		71011	(aajaetea lei lii	7, 725

	_		D C'-								
	E	conomic	Renefit	wor	rksneet						
Respondent	Michael Hughe	es formerly doing	business as Sup	erior Tir	e & Service						
Case ID No.	61060	, -	·								
Reg. Ent. Reference No.											
							37 0				
	Used Oil/Used	Oil Filter				Percent Interest	Years of				
Violation No.	3						Depreciation				
						5.0	15				
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount				
The B		Date Required	i iliai Date	5	Interest Savea	COSIS SUVCU	LD 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)	\$50	17-Dec-2020	2-May-2022	1.37	\$3	n/a	\$3				
	Estimated d	alayed cost to no	et a durable and	legible	cian identifying th	e Facility as a house	hold used oil				
Notes for DELAYED costs											
Notes for DELATED Costs	collection ce	iller. The Date N	equired is the in	Estimated delayed cost to post a durable and legible sign identifying the Facility as a household used oil collection center. The Date Required is the initial investigation date and the Final Date is the estimated							
	date of compliance.										
			date		•	d the Final Date is ti					
Avoided Costs	ANNU	ALIZE avoided o		e of con	npliance.		ne estimated				
Avoided Costs	ANNU	ALIZE avoided o		e of con	npliance. item (except for	one-time avoided	ne estimated				
	ANNU	ALIZE avoided c		e of con	npliance.		ne estimated				
Disposal Personnel	ANNU	ALIZE avoided o		e of contering	npliance. item (except for \$0	one-time avoided	ne estimated I costs) \$0				
Disposal	ANNU	ALIZE avoided c		tering 0.00 0.00	npliance. item (except for \$0 \$0	one-time avoided \$0 \$0	ne estimated I costs) \$0 \$0				
Disposal Personnel Inspection/Reporting/Sampling	ANNU	ALIZE avoided c		e of con tering 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0	re estimated I costs) \$0 \$0 \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	ANNU.	ALIZE avoided c		e of con tering 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	l costs) \$0 \$0 \$0 \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU.	ALIZE avoided o		e of con 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU	ALIZE avoided o		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU.	ALIZE avoided o		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU	ALIZE avoided c		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided o		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided o		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU			e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	ANNU	ALIZE avoided c		e of con 0.00 0.00 0.00 0.00 0.00 0.00	npliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs \$0				

	Screening Date	16-Jul-2021 Docket No. 2021-0961-ML	.M-E	PCW
	Respondent Case ID No.	Michael Hughes formerly doing business as Superior Tire & Service	•	(January 28, 2021)
Rea.	Ent. Reference No.		PCW Revision	February 11, 2021
		Used Oil/Used Oil Filter		
	Enf. Coordinator	Hailey Johnson		
	Violation Number	4		
	Rule Cite(s)	30 Tex. Admin. Code §§ 328.23(c) and 324.4		
	Violation Description	Failed to secure the bulk used oil filter container in a closed waterp Specifically, the 55-gallon drum containing used oil filters at the Facil a lid.		
			Base Penalty	\$5,000
>> En	vironmental, Prope	ty and Human Health Matrix		
· ·		Harm		
OR	Release Actual	Major Moderate Minor		
O.C	Potential	x Percent 3	3.0%	
>>Pro	grammatic Matrix Falsification	Major Moderate Minor		
	raisineation		0.0%	
	Matrix II	n or the environment will or could be exposed to insignificant amount t exceed levels that are protective of human health or environmental	-	
	Notes Notes	result of the violation.	receptors as a	
		Adjustment	\$4,850	
				\$150
Violati	on Events			
Violati	on Events			
	Number of \	iolation Events 1 31 Number of viol	ation days	
		daily		
		weekly		
		monthly	_	
		quarterly Violation semiannual	n Base Penalty	\$150
		annual		
		single event x		
		One single event is recommended.		
Good I	Faith Efforts to Com	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 this violation.	a ror	
		Viol	lation Subtotal	\$150
Econo	mic Benefit (EB) for	this violation Statutory L	imit Test	
	Estimate	d EB Amount \$3 Violation Final	l Penalty Total	\$158
				·
		This violation Final Assessed Penalty (adjus	itea for limits)	\$158

	Е	conomic	Benefit	Woı	ksheet		
Respondent	Michael Hughe	es formerly doing b	ousiness as Sup	erior Tir	e & Service		
Case ID No.	_	, 3	•				
Reg. Ent. Reference No.							
	Used Oil/Used						Years of
	,	Oil Filter				Percent Interest	
Violation No.	4						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Dalawad Casta							
Delayed Costs	¢20	17-Dec-2020	2-May-2022	1.37	\$0	\$3	# 2
Equipment	\$30	17-Dec-2020	2-141dy-2022	0.00	\$0 \$0	\$3 \$0	\$3 \$0
Buildings Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	\$0 \$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	Date Requ	ired is the initial in	vestigation date	e and th	ne Final Date is the	used oil filters at the estimated date of	compliance.
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoided	l 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) Notes for AVOIDED costs		<u> </u>		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$30			TOTAL		\$3



Penalty Calculation Worksheet (PCW)

	Policy Re	evision 5 (January 28, 2	•	caracio	WOIRSHEEL	PCW Revision Fe	bruary 11, 2021
DATES	Assigned PCW	6-Jul-2021 7-Feb-2022	Screening 1	6-Jul-2021	EPA Due		
RESPO	NDENT/FACILI	TY INFORMATIO	J				
KESI O	•			ousiness as	Superior Tire & Service		
	g. Ent. Ref. No.	RN111197240	,		•		
Facilit	ty/Site Region	10-Beaumont			Major/Minor So	ource Minor	
CASE II	NFORMATION						
	f./Case ID No.	61060			No. of Viola	tions 1	
		2021-0961-MLM-E			<u> </u>	Type 1660	
Med	lia Program(s)	Industrial and Haz	ardous Waste		Government/Non-F		
	Multi-Media	Used Oil/Used Oil	Filter & Waste	Tires		Hailey Johnson	
Adn	nin. Penalty \$ I	imit Minimum	\$0 Ma	aximum	\$25,000	Feam Enforcement Team 6	
			7.5		423/000		
			Penalty	Calcula	tion Section		
TOTAL	L BASE PENA	LTY (Sum of v	•			Subtotal 1	\$3,750
ADJUS	STMENTS (+) Subtotals 2-7 are ob	/-) TO SUBTO	TAL 1 ne Total Base Pen	alty (Subtotal	by the indicated percentage	<u>s.</u>	
	Compliance Hi			5.0%		Subtotals 2, 3, & 7	\$187
	Notes	Enhancen	ent for one N	OV with sar	ne/similar violations.		
	Culpability	No		0.0%	Enhancement	Subtotal 4	\$0
	Notes	The Resp	ondent does r	not meet the	e culpability criteria.		
	Good Faith Effe	ort to Comply Tot	al Adjustme	nts		Subtotal 5	\$0
							,
	Economic Bene	efit		0.0%	Enhancement*	Subtotal 6	\$0
		Total EB Amounts Cost of Compliance	\$4,992 \$72,738		ed at the Total EB \$ Amount	Justician c	Ψ.
SUM C	OF SUBTOTAL	LS 1-7				Final Subtotal	\$3,937
		AS JUSTICE MA Subtotal by the indicat		E	0.0%	Adjustment	\$0
	Notes						

Final Penalty Amount \$3,937 \$3,937

DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage.

STATUTORY LIMIT ADJUSTMENT

0.0%

Reduction

Final Assessed Penalty

Adjustment

\$0

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

\$3,937

Screening Date 16-Jul-2021

Docket No. 2021-0961-MLM-E

PCW

Respondent Michael Hughes formerly doing business as Superior Tire & Service

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

Case ID No. 61060 Reg. Ent. Reference No. RN111197240

Media Industrial and Hazardous Waste

Enf. Coordinator Hailey Johnson

	Compliance History	worksneet					
mpliance Hist Component	ry Site Enhancement (Subtotal 2) Number of	Number	Adjust.				
NOVs	Vritten notices of violation ("NOVs") with same or he current enforcement action (number of NOVs me	similar violations as those in	5%				
	Other written NOVs	0	0%				
	any agreed final enforcement orders containing a corders meeting criteria)	denial of liability (<i>number of</i> 0	0%				
Orders	any adjudicated final enforcement orders, agree without a denial of liability, or default orders of lovernment, or any final prohibitory emergency orde	of this state or the federal 0	0%				
Judgments	any non-adjudicated final court judgments or conser of liability of this state or the federal governmen consent decrees meeting criteria)		0%				
and Consent Decrees	any adjudicated final court judgments and default ju inal court judgments or consent decrees without a court for the federal government		0%				
Convictions	any criminal convictions of this state or the fede	ral government (<i>number of</i> 0	0%				
Emissions	Chronic excessive emissions events (number of even	ts) 0	0%				
Audits	etters notifying the executive director of an intender exas Environmental, Health, and Safety Audit Pri 1995 (number of audits for which notices were subm	vilege Act, 74th Legislature, 0	0%				
Addits	Disclosures of violations under the Texas Environmen Privilege Act, 74th Legislature, 1995 (<i>number of aud</i> <i>lisclosed</i>)		0%				
	Environmental management systems in place for one	e year or more No	0%				
Other	oluntary on-site compliance assessments conductions a special assistance program	ed by the executive director No	0%				
Other	Participation in a voluntary pollution reduction progra	am No	0%				
	arly compliance with, or offer of a product that ropernment environmental requirements	neets future state or federal No	0%				
		Adjustment Percentage (Su	ıbtotal 2)				
epeat Violator	outtotal 3)		_				
N/A		Adjustment Percentage (Su	ıbtotal 3)				
ompliance Hist	ry Person Classification (Subtotal 7)						
N/A		Adjustment Percentage (Su	ıbtotal 7)				
ompliance Hist	ry Summary						
Compliance History Notes	Enhancement for one NOV with	same/similar violations.					
	Total Compliance History Adj	iustment Percentage (Subtotals 2					
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5555 > Final Compliance History Adjustment							
al Compliance		al Adjustment Percentage *cappe					

		ening Date				lo. 2021-0961-MLM-E		PCW
		•	_	s formerly doi	ng business as Supe	erior Tire & Service	Policy Re	evision 5 (January 28, 2021)
		ase ID No.					PCW	Revision February 11, 2021
Reg.	Ent. Ref		RN111197240					
			Industrial and		aste			
			Hailey Johnson	<u> </u> 				
	Viola	ation Number	1					
		Rule Cite(s)		3	0 Tex. Admin. Code	§ 335.4		
	Violatio	n Description	hazardous w containing containing Ty cubic yards of substance	aste ("IHW"). TyrFil Isocyal yrFil Isocyanat tire tubing we e, a liquid resi polyol compon	Specifically, nine e nate Component and te Component were the documented to b due from TyrFil Isoc	nauthorized disposal of ind mpty 250-gallon totes pre d one 275-gallon chemical disposed of at the Facility e excreting a milky, cream yanate Component contain he isocyanate component, ar of the Facility.	viously tote and 40 ny yellow ning	
						Base	Penalty	\$25,000
>> Env	/ironme	ntal, Prope	rty and Hun		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual	- , -	Moderate	X			
		Potential			^	Percent 15.0%		
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor	-		
						Percent 0.0%		
	Matrix					ificant amounts of pollutar		
	Notes	do not excee	u ieveis triat are	•	the violation.	nvironmental receptors as	a result	
				01	the violation.			
						Adjustment	\$21,250	
							1 /	
								\$3,750
Violetia	Even							
Violatio								
	oli Eveli	ts						
	on Even		/iolation Events	1	31	Number of violation d	avs	
	on Even		/iolation Events	1	31	Number of violation d	ays	
	on Even		/iolation Events daily	1	31	Number of violation d	ays	
	on Even			1	31	Number of violation d	ays	
	on Even		daily weekly monthly	1	31		_	
	on Even		daily weekly monthly quarterly	1 x	31	Number of violation d Violation Base	_	\$3,750
	on Even		daily weekly monthly quarterly semiannual		31		_	\$3,750
	on Even		daily weekly monthly quarterly semiannual annual		31		_	\$3,750
	on Even		daily weekly monthly quarterly semiannual		31		_	\$3,750
	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	X		Violation Base	Penalty	\$3,750
	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x x	the June 15, 2021		Penalty	\$3,750
	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	x x		Violation Base	Penalty	\$3,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	x x mmended from 2021	the June 15, 2021	Violation Base record review date to the	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event	x nmended from 2021	the June 15, 2021 screening date.	Violation Base record review date to the	Penalty	\$3,750 \$3,750
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event	x nmended from 2021 0.0% Before NOE/NOV	the June 15, 2021	Violation Base record review date to the	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event y event is recon	x nmended from 2021 0.0% Before NOE/NOV	the June 15, 2021 screening date.	Violation Base record review date to the	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary	x nmended from 2021 0.0% Before NOE/NOV	the June 15, 2021 screening date.	Violation Base record review date to the	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event y event is recon	x nmended from 2021 0.0% Before NOE/NOV	the June 15, 2021 screening date.	Violation Base record review date to the	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A	x nmended from 2021 0.0% Before NOE/NOV X The Response	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	Violation Base record review date to the R ttlement Offer the good faith criteria	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary	x nmended from 2021 0.0% Before NOE/NOV X The Response	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	Violation Base record review date to the R ttlement Offer the good faith criteria	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A	x nmended from 2021 0.0% Before NOE/NOV X The Response	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	Violation Base record review date to the R ttlement Offer the good faith criteria	Penalty July 16,	· ·
Good F		Number of \	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A	x nmended from 2021 0.0% Before NOE/NOV X The Response	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	Violation Base record review date to the R ttlement Offer the good faith criteria	July 16,	· ·
	aith Eff	One quarterly	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A Notes	x nmended from 2021 0.0% Before NOE/NOV X The Respon	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	Violation Base record review date to the R ttlement Offer the good faith criteria ion. Violation S	Penalty July 16, eduction	\$0
	aith Eff	One quarterly	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A	x nmended from 2021 0.0% Before NOE/NOV X The Respon	the June 15, 2021 screening date. NOE/NOV to EDPRP/Se	record review date to the R ttlement Offer the good faith criteria ion.	Penalty July 16, eduction	\$0
	aith Eff	One quarterly orts to Com	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A Notes	x nmended from 2021 0.0% Before NOE/NOV X The Respon	NOE/NOV to EDPRP/Se dent does not meet for this violat	record review date to the Rttlement Offer the good faith criteria ion. Violation S Statutory Limit	Penalty July 16, eduction Gubtotal	\$3,750
	aith Eff	One quarterly orts to Com	daily weekly monthly quarterly semiannual annual single event event is recon ply Extraordinary Ordinary N/A Notes	x nmended from 2021 0.0% Before NOE/NOV x The Respon	NOE/NOV to EDPRP/Se Moent does not meet for this violate \$4,992	Violation Base record review date to the R ttlement Offer the good faith criteria ion. Violation S	Penalty July 16, eduction Gubtotal Test ty Total	\$0

Economic Benefit Worksheet							
Respondent	ondent Michael Hughes formerly doing business as Superior Tire & Service						
Case ID No.	61060	, -	•				
Reg. Ent. Reference No.)					
		, Hazardous Waste					Years of
Violation No.		riazardous waste				Percent Interest	Depreciation
Violation No.	1					F 0	-
						5.0	15
		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 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a n/a	\$0
Remediation/Disposal	\$72,738	17-Dec-2020	2-May-2022	1.37	\$4,992	n/a	\$4,992
Permit Costs	\$72,730	17 Dec 2020	2 1·1dy 2022	0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
		,			, ,	of it at an authorize	, ,
Notes for DELAYED costs	appropriate	corrective measur				igation date and the	e Final Date is
			the estima	ted date	e of compliance.		
Avoided Costs	ANNII	ALTZE avoided o	osts hefore en	terina	item (excent for	one-time avoided	l costs)
Disposal	<u> </u>	The state of the s	0000 001010 011	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		\$72,738			TOTAL		\$4,992

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605860469, RN111197240, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN605860469, Michael Hughes Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator:

Regulated Entity: RN111197240, Superior Tire & Service Classification: NOT APPLICABLE Rating: N/A

Complexity Points: N/A Repeat Violator: N/A

CH Group: 14 - Other

Location: 1175 North Main Street, Vidor, Orange County, Texas 77662-3738

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

Compliance History Period: September 01, 2007 to August 31, 2012 Rating Year: 2012 Rating Date: 09/01/2012

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: 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: 03/08/2021 (1699527)

Self Report? NO Classification: Major

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

Description: Failure to obtain a registration number for storing more than 500 tires. B4. (1)

(B)Major.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.63(d)(5)

Description: Failure to report the facility's annual report. B3. (2)(E)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.63(d)(2)

Description: Failure to monitor all scrap tires for vector control. B3. 2(E)Moderate. Self Report? NO Classification: Moderate

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

Description: Failure to obtain a registration number for storing more than 500 tires. B4. (1)

(B)Major.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.61(b)

Description: Failure to store scrap tires in an enclosed and lockable container. B14. (2)

(E)Moderate.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)

Description: Failure to properly label all used oil containers. B17. (2)(G)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.58(a)

Description: Failure to maintain records of used or scrap tires hauled from the facility in the

form of a five-part manifest. (2)(E)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter D 328.25(b)

Description: Failure to maintain used oil records for three years and make readily available for

agency personnel to inspect. B3. (2)(E)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.7(3)

Description: Failure to post and maintain a durable and legible sign identifying the site as a

household used oil collection center.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter D 328.23(b)

Description: Failure to secure the bulk used oil filter container in a closed and waterproof

manner. B17. (2)(G)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.61(h)

Description: Failure to provide adequate fire protection for the facility. B18.(e)(15). (2)

(G)Moderate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

30 TAC Chapter 335, SubChapter A 335.4(2) 30 TAC Chapter 335, SubChapter A 335.4(3)

Description: Failure to properly contain hazardous waste. B14. (1)(C)Moderate.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/16/2016 and 7/16/2021

1 Date: 03/08/2021 (1699527)

Classification: Major

Self Report? NO For Informational Purposes Only

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

Description: Failure to obtain a registration number for storing more than 500 tires. B4. (1)

(B)Major.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter F 328.63(d)(5)

Description: Failure to report the facility's annual report. B3. (2)(E)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter F 328.63(d)(2)

Description: Failure to monitor all scrap tires for vector control. B3. 2(E)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to obtain a registration number for storing more than 500 tires. B4. (1)

(B)Major.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter F 328.61(b)

Description: Failure to store scrap tires in an enclosed and lockable container. B14. (2)

(E)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)
Description: Failure to properly label all used oil containers. B17. (2)(G)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter F 328.58(a)

Description: Failure to maintain records of used or scrap tires hauled from the facility in the

form of a five-part manifest. (2)(E)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter D 328.25(b)

Description: Failure to maintain used oil records for three years and make readily available for

agency personnel to inspect. B3. (2)(E)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 324, SubChapter A 324.7(3)

Description: Failure to post and maintain a durable and legible sign identifying the site as a

household used oil collection center.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter D 328.23(b)

Description: Failure to secure the bulk used oil filter container in a closed and waterproof

manner. B17. (2)(G)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 328, SubChapter F 328.61(h)

Description: Failure to provide adequate fire protection for the facility. B18.(e)(15). (2)

(G)Moderate.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 335, SubChapter A 335.4

30 TAC Chapter 335, SubChapter A 335.4(2)

30 TAC Chapter 335, SubChapter A 335.4(3)

Description: Failure to properly contain hazardous waste. B14. (1)(C)Moderate.

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

Appendix B

All Investigations Conducted During Component Period July 16, 2016 and July 16, 2021

(1736058)

Item 1 June 28, 2021 For Informational Purposes Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MICHAEL HUGHES;
RN111197240

§ §	BEFORE THE
5 § §	TEXAS COMMISSION ON
§ §	ENVIRONMENTAL OUALITY

DEFAULT ORDER DOCKET NO. 2021-0961-MLM-E

On	the Texas Commission on Environmental Quality ("Commission" or
"TCEQ") consid	ered the Executive Director's First Amended Report and Petition, filed pursuant to
TEX. WATER COD	E ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the TCEQ,
which requests	appropriate relief, including the imposition of an administrative penalty and
corrective actio	n of the respondent. The respondent made the subject of this Order is Michael
Hughes ("Respo	ondent").

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

FINDINGS OF FACT

- 1. Respondent owns and operated an automotive mechanic shop located at 1175 North Main Street in Vidor, Orange County, Texas (the "Facility") The Facility involves or involved the management of municipal solid waste ("MSW"), including scrap tires, and industrial and hazardous waste ("IHW"), as defined in Tex. Health & Safety Code ch. 361, and used oil, as defined in Tex. Health & Safety Code ch. 371.
- 2. During an investigation conducted on December 17, 2020, and a record review conducted on June 15, 2021, an investigator documented that Respondent:
 - a. 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 600 scrap tires were stored on the ground at the Facility and one 250-gallon tote containing scrap tire pieces approximately equivalent to 31 scrap tires were stored at the Facility without a scrap tire storage site registration;
 - b. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks. Specifically, 600 tires stored outside were not being monitored for vectors and standing water was observed in the tires;
 - c. Failed to retain all manifests, work orders, invoices, or other records to support activities related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces at the Facility. Specifically, no scrap tire records were available at the time of the investigation;
 - d. Failed to maintain an adequate fire protection system using fire hydrants or a firewater storage pond or tank at the Facility;
 - e. Failed to submit, to the Executive Director, an annual summary of the Facility activities from January 1 through December 31 of each calendar year, showing the number and disposition of used or scrap tires or tire pieces received and the number of used or scrap tires or tire pieces removed from the Facility no later than March 1 of the year following the end of the reporting period. Specifically,

- Respondent had not submitted the 2019 Annual Report by the March 1, 2020, report due date;
- f. Failed to obtain a registration to process scrap tires. Specifically, Respondent was recycling tire tubing to produce new tires for cherry-pickers and forklifts without a registration;
- g. Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, the 250-gallon container storing used oil at the Facility was not properly labeled;
- h. Failed to maintain a copy of the bill of lading for each shipment of used oil filters for at least three years after the date the filters were transported, stored, or processed at the Facility;
- i. Failed to post and maintain a durable and legible sign identifying the Facility as a household used-oil collection center;
- j. Failed to secure the bulk used-oil filter container in a closed, waterproof manner. Specifically, the 55-gallon drum containing used-oil filters at the Facility did not have a lid, and
- k. Caused, suffered, allowed, or permitted the unauthorized disposal of IHW. Specifically, nine empty 250-gallon totes previously containing TyrFil Isocyanate Component and one 275-gallon chemical tote containing TyrFil Isocyanate Component were disposed of at the Facility. Additionally, 40 cubic yards of tire tubing were documented to be excreting a milky, creamy yellow substance, a liquid residue from TyrFil Isocyanate Component containing polyurethane polyol component and polyurethane isocyanate component, onto the surrounding concrete at the rear of the Facility.
- 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 Michael Hughes" (the "EDPRP") in the TCEQ Chief Clerk's office on March 28, 2022.
- 4. The Executive Director filed the "Executive Director's First Amended 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 Michael Hughes" (the "EDFARP") in the TCEQ Chief Clerk's office on April 8, 2022.
- 5. By letter dated April 8, 2022, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDFARP on April 13, 2022.
- 6. More than 20 days have elapsed since Respondent received notice of the EDFARP. 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 chs. 361 and 371 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., 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 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 monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks, in violation 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, invoices, or other records to support activities related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces at the Facility, in violation of 30 Tex. ADMIN. CODE § 328.58(f).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain an adequate fire protection system using fire hydrants or a firewater storage pond or tank at the Facility, in violation of 30 Tex. ADMIN. CODE § 328.61(g).
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to submit, to the Executive Director, an annual summary of the Facility activities from January 1 through December 31 of each calendar year, showing the number and disposition of used or scrap tires or tire pieces received and the number of used or scrap tires or tire pieces removed from the facility no later than March 1 of the year following the end of the reporting period, in violation of 30 Tex. Admin. Code §§ 328.59(b)(6), 328.62(d), and 328.63(d)(6).
- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to obtain a registration to process scrap tires, in violation of 30 Tex. ADMIN. CODE § 328.63(c).
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to label or clearly mark containers used to store used oil with the words "Used Oil", in violation of 30 Tex. ADMIN. CODE § 324.6 and 40 C.F.R. § 279.22(c)(1).
- 9. As evidenced by Finding of Fact No. 2.h., Respondent failed to maintain a copy of the bill of lading for each shipment of used oil filters for at least three years after the date the filters were transported, stored, or processed at the Facility, in violation of 30 Tex. ADMIN. CODE § 328.25(b).
- 10. As evidenced by Finding of Fact No. 2.i., Respondent failed to post and maintain a durable and legible sign identifying the Facility as a household used-oil collection center, in violation of 30 Tex. ADMIN. CODE § 324.7(3)(A).
- 11. As evidenced by Finding of Fact No. 2.j., Respondent failed to secure the bulk used oil filter container in a closed, waterproof manner, in violation of 30 Tex. ADMIN. CODE §§ 324.4 and 328.23(c).
- 12. As evidenced by Finding of Fact No. 2.k., Respondent caused, suffered, allowed, or permitted the unauthorized disposal of IHW, in violation of 30 Tex. ADMIN. CODE § 335.4.
- 13. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by Tex. Water Code § 7.055 and 30 Tex. Admin. Code § 70.104(b)(1).
- 14. As evidenced by Finding of Fact No. 6, 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.
- 15. 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.

- 16. An administrative penalty in the amount of thirty-seven thousand four hundred thirty dollars (\$37,430.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 17. 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 thirty-seven thousand four hundred thirty dollars (\$37,430.00) 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: Michael Hughes; Docket No. 2021-0961-MLM-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:
 - i. Cease generating, storing, and/or processing any additional used and/or scrap tires at the Facility until the proper registration is obtained; and
 - ii. Cease disposal of any additional MSW and/or IHW at the Facility.
 - b. Within 30 days after the effective date of this Order:
 - i. Establish a vector control program for tires stored outside at the Facility, in accordance with 30 Tex. Admin. Code § 328.56:
 - ii. Develop and implement procedures to ensure manifests, work orders, invoices, or other records documenting the removal and management of all scrap tires generated at the Facility are maintained at the Facility, in accordance with 30 Tex. Admin. Code § 328.58;
 - iii. Install an adequate fire protection system at the Facility, in accordance with 30 Tex. Admin. Code § 328.61:
 - iv. Develop and implement procedures designed to complete and submit the Annual Activity Report for Scrap Tire Facilities and Scrap Tire Storage Sites to the TCEQ, timely;
 - v. Properly label the 250-gallon container storing used oil at the Facility with the words "Used Oil," in accordance with 30 Tex. Admin. Code § 324.6 and 40 C.F.R. § 279.22;
 - vi. Begin maintaining records of bills of lading for each shipment of used oil at the Facility, in accordance with 30 Tex. ADMIN. CODE § 328.25;

- vii. Post a durable and legible sign identifying the Facility as a household used oil collection center; in accordance with 30 Tex. ADMIN. CODE § 324.7;
- viii. Provide a lid to the 55-gallon drum containing used oil filters at the Facility, in accordance with 30 Tex. ADMIN. CODE §§ 324.4 and 328.23;
- ix. Develop and implement procedures to prevent any future unauthorized disposal of IHW at the Facility;
- x. Clean up and remove all IHW from the Facility and dispose of it at an authorized facility using appropriate corrective measures;
- c. Within 180 days upon the effective date of this Order, obtain a scrap tire storage registration for generating, storing, and processing scrap tires at the Facility, in accordance with 30 Tex. ADMIN. CODE § 328.55; or
- d. In Lieu of Ordering Provision No. 3.c., within 90 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 by using a registered transporter and an authorized storage, processing, or disposal facility, and maintain manifests, in accordance with 30 Tex. Admin. Code § 328.58, and
- e. Within 240 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. through 3.b.x. and 3.c. or 3.a. through 3.b.x. and 3.d. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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."

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

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

and:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

- 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 TAYLOR W. PEARSON

"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 Michael Hughes' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 28, 2022.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended 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 Michael Hughes" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on April 8, 2022.

The EDFARP was mailed to Respondent's last known address on April 8, 2022, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on April 13, 2022.

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

"My name is Taylor Wayne 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 1st day of December, 2022

Declarant