

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61509
Francisco Rojas dba Galaxy Tires
RN111334892
Docket No. 2021-1448-MSW-E

Order Type:
Agreed Order

Media:
MSW

Small Business:
Yes

Location Where Violations Occurred:
1620 Tantor Road, Dallas, Dallas County

Type of Operation:
scrap tire retailer

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 5, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$45,750

Deferred for Financial Inability to Pay: \$42,150
Confidential information, which may include financial information, has been provided to the Commission for its consideration.

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500
Payment Plan: 35 payments of \$100 each

Compliance History Classifications:
Person/CN - N/A
Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: August 6, 2021

Complaint Information: Complainant alleged a responsible party is improperly storing tires, leading to vector control concerns.

Date of Investigation: August 16, 2021

Date of NOV: N/A

Date of NOE: October 13, 2021

Francisco Rojas dba Galaxy Tires

RN111334892

Docket No. 2021-1448-MSW-E

Violation Information

1. Failed to ensure that scrap tires or scrap tire pieces were transported by a registered transporter to an authorized facility [30 TEX. ADMIN. CODE § 328.56(b)].
2. Failed to retain, use, and make available upon request by agency personnel original manifests, work orders, invoices, or other records to document the removal and management of all used scrap tires or scrap tire pieces at the Facility [30 TEX. ADMIN. CODE § 328.56(c)].
3. Failed to register as a used scrap tire generator and failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed or lockable containers [TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a)].
4. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks [30 TEX. ADMIN. CODE § 328.56(d)(4)].
5. Failed to obtain a tire transporter registration prior to transporting used or scrap tires [30 TEX. ADMIN. CODE § 328.57(c)(1)].
6. Failed to sort, mark, classify, and arrange in an organized manner good used tires for sale as a commodity [30 TEX. ADMIN. CODE § 328.56(d)(3)].

Corrective Actions/Technical Requirements**Corrective Actions Completed:**

None

Technical Requirements:

1. Immediately cease generating or storing any additional used or scrap tires at the Facility until proper registration is obtained.
2. Within 30 days:
 - a. Develop and implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility;
 - b. Begin utilizing and retaining all manifests, work orders, invoices, or other records to document the removal and management of all used or scrap tires or scrap tire pieces at the Facility;
 - c. Establish a vector control program for tires stored outside at the Facility; and
 - d. Sort, mark, classify, and arrange good used tires for sale to the consumer.
3. Within 45 days obtain a scrap tire transporter.
4. Within 180 days obtain a scrap tire generator and storage site registration for the Facility.
5. In lieu of Technical Requirement 4, within 45 days reduce the number of scrap tires being stored at the Facility to less than 500 on the ground or 2,000 tires in enclosed and lockable containers.
6. Within 195 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement Nos. 1 through 3, and 4 or 5.

Litigation Information

Date Petitions Filed: December 12, 2023; January 30, 2024;
Dates of Service: unclaimed; unclaimed
Date Answer Filed: February 27, 2024
SOAH Referral Date: November 15, 2024

Francisco Rojas dba Galaxy Tires

RN111334892

Docket No. 2021-1448-MSW-E

Hearing Dates:

Preliminary hearing: February 13, 2025 (continued to February 24, 2025,
continued to March 13, 2025)

Evidentiary hearing: September 8, 2025

Settlement Date: September 30, 2025

Contact Information

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

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

TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, (512) 239-2536

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

Respondent Contact: Francisco Rojas, 5139 Bryce Canyon Road, Dallas, Texas 75211-4231

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Oct-2021	Screening	28-Oct-2021	EPA Due	
	PCW	10-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Francisco Rojas dba Galaxy Tires
Reg. Ent. Ref. No.	RN111334892
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61509	No. of Violations	6
Docket No.	2021-1448-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$45,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,058
 Estimated Cost of Compliance: \$16,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5% Adjustment	\$250
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 4.

Final Penalty Amount	\$45,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,750
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$45,750
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Screening Date 28-Oct-2021

Docket No. 2021-1448-MSW-E

PCW

Respondent Francisco Rojas dba Galaxy Tires

Policy Revision 5 (January 28, 2021)

Case ID No. 61509

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111334892

Media Municipal Solid Waste

Enf. Coordinator Karolyn Kent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 28-Oct-2021
Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Docket No. 2021-1448-MSW-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 328.56(b)

Violation Description

Failed to ensure that scrap tires or scrap tire pieces are transported by a registered transporter to an authorized facility. Specifically, the Respondent transported scrap tires for disposal to Southern Tire Mart located at 816 West Mockingbird Lane, Dallas, Dallas County, Texas, which was not authorized as a scrap tire storage, processing, or disposal facility.

Base Penalty \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 15.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 73 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the August 16, 2021 investigation date to the October 28, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,771

This violation Final Assessed Penalty (adjusted for limits) \$3,771

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included with Violation No. 5.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 28-Oct-2021 **Docket No.** 2021-1448-MSW-E **PCW**
Respondent Francisco Rojas dba Galaxy Tires *Policy Revision 5 (January 28, 2021)*
Case ID No. 61509 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	16-Aug-2021	14-Aug-2022	0.99	\$25	n/a	\$25
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to begin utilizing and retaining all manifests, work orders, invoices, or other records to document the removal and management of all used or scrap tires or scrap tire pieces at the Facility. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date 28-Oct-2021 **Docket No.** 2021-1448-MSW-E **PCW**
Respondent Francisco Rojas dba Galaxy Tires *Policy Revision 5 (January 28, 2021)*
Case ID No. 61509 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a) and Tex. Health & Safety Code § 361.112(a)
Violation Description Failed to register as a used or scrap tire generator and failed to obtain a scrap tire storage site registration for the Facility, prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed or lockable containers. Specifically, approximately 1,311 scrap tires were stored on the ground at the Facility without a scrap tire generator or scrap tire storage site registration.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		
100% of the rule requirement was not met.					

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 3 73 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Three monthly events are recommended from the August 16, 2021 investigation date to the October 28, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$497 **Violation Final Penalty Total** \$15,082

This violation Final Assessed Penalty (adjusted for limits) \$15,082

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	16-Aug-2021	14-Aug-2022	0.99	\$497	n/a	\$497
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$497

Screening Date 28-Oct-2021 **Docket No.** 2021-1448-MSW-E **PCW**
Respondent Francisco Rojas dba Galaxy Tires *Policy Revision 5 (January 28, 2021)*
Case ID No. 61509 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Violation Number 4
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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 73 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$262 **Violation Final Penalty Total** \$1,760

This violation Final Assessed Penalty (adjusted for limits) \$1,760

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	16-Aug-2021	14-Aug-2022	0.99	\$12	n/a	\$12

Notes for DELAYED costs

Estimated delayed cost to establish a vector control program for tires stored outside at the Facility. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$250	2-Aug-2021	16-Aug-2021	0.04	\$0	\$250	\$250
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to establish a vector control program for tires stored outside at the Facility. The Date Required is two weeks prior to the investigation date, and the Final Date is the investigation date.

Approx. Cost of Compliance

\$500

TOTAL

\$262

Screening Date 28-Oct-2021 **Docket No.** 2021-1448-MSW-E **PCW**
Respondent Francisco Rojas dba Galaxy Tires *Policy Revision 5 (January 28, 2021)*
Case ID No. 61509 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 328.57(c)(1)
Violation Description Failed to obtain a tire transporter registration prior to transporting used or scrap tires.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			X		
100% of the rule requirement was not met.					

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 3 73 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Three monthly events are recommended from the August 16, 2021 investigation date to the October 28, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$249 **Violation Final Penalty Total** \$15,082

This violation Final Assessed Penalty (adjusted for limits) \$15,082

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	16-Aug-2021	14-Aug-2022	0.99	\$249	n/a	\$249
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to obtain a scrap tire transporter registration for the Facility. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$249

Screening Date 28-Oct-2021 **Docket No.** 2021-1448-MSW-E **PCW**
Respondent Francisco Rojas dba Galaxy Tires *Policy Revision 5 (January 28, 2021)*
Case ID No. 61509 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Enf. Coordinator Karolyn Kent

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 328.56(d)(3)
Violation Description Failed to sort, mark, classify, and arrange in an organized manner good used tires for sale as a commodity. Specifically, 1,960 tires that were being resold as commodities were not labelled for resale.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			20.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 73 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$25 **Violation Final Penalty Total** \$5,027

This violation Final Assessed Penalty (adjusted for limits) \$5,027

Economic Benefit Worksheet

Respondent Francisco Rojas dba Galaxy Tires
Case ID No. 61509
Reg. Ent. Reference No. RN111334892
Media Municipal Solid Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	16-Aug-2021	14-Aug-2022	0.99	\$25	n/a	\$25

Notes for DELAYED costs

Estimated delayed cost to sort, mark, classify, and arrange good used tires for sale to the consumer. The Date Required is the investigation date, and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605932862, RN111334892, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605932862, Rojas, Francisco

Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN111334892, Galaxy Tires

Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1620 Tantor Road, Dallas, Dallas County, Texas 75229-3136

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
R04111334892

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: October 28, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2016 to October 28, 2021

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

Name: Karolyn Kent

Phone: (512) 239-2536

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
FRANCISCO ROJAS DBA GALAXY TIRES;
RN111334892

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2021-1448-MSW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Francisco Rojas dba Galaxy Tires ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Linda Guadarrama, together stipulate that:

1. Respondent owns and operates a scrap tire retailer located at 1620 Tantor Road in Dallas, Dallas County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW"), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$45,750 is assessed by the Commission in settlement of the violations alleged in Section II. The Revenue Operations Section of TCEQ's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent is unable to pay all or part of the penalty. Therefore, \$42,150 of the penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all terms of this Order and shall be waived only upon full compliance with all terms and conditions contained in this Order. Respondent paid \$100 of the \$3,600 undeferred penalty. The remaining undeferred amount of \$3,500 shall be paid in 35 monthly installments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any

notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. 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.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

1. During an investigation conducted on August 16, 2021, an investigator documented that Respondent:
 - a. Failed to ensure that scrap tires or scrap tire pieces were transported by a registered transporter to an authorized facility, in violation of 30 TEX. ADMIN. CODE § 328.56(b). Specifically, Respondent transported scrap tires for disposal to Southern Tire Mart located at 816 West Mockingbird Lane, Dallas, Dallas County, Texas, which was not authorized as a scrap tire storage, processing, or disposal facility;
 - b. Failed to retain, use, and make available upon request by agency personnel original manifests, work orders, invoices, or other records to document the removal and management of all used scrap tires or scrap tire pieces at the Facility, in violation of 30 TEX. ADMIN. CODE § 328.56(c);
 - c. Failed to register as a used scrap tire generator and failed to obtain a scrap tire storage site registration for the Facility, prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed or lockable containers, in violation of TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE §§ 328.56(a)(1), 328.56(d)(2), 328.59(b)(1), and 328.60(a). Specifically, approximately 1,311 scrap tires were stored on the ground at the Facility without a scrap tire generator or scrap tire storage site registration;
 - d. Failed to monitor tires stored outside for vectors and utilize appropriate vector control measures at least once every two weeks, in violation of 30 TEX. ADMIN. CODE § 328.56(d)(4);
 - e. Failed to obtain a tire transporter registration prior to transporting used or scrap tires, in violation of 30 TEX. ADMIN. CODE § 328.57(c)(1); and
 - f. Failed to sort, mark, classify and arrange in an organized manner good used tires for sale as a commodity, in violation of 30 TEX. ADMIN. CODE § 328.56(d)(3). Specifically, 1,960 tires being resold as commodities were not labelled for resale.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent’s compliance with all of the requirements set forth

in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Francisco Rojas dba Galaxy Tires, Docket No. 2021-1448-MSW-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease generating or storing any additional used or scrap tires at the Facility until proper registration is obtained;
 - b. Within 30 days after the effective date of this Order:
 - i. Develop and implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 328.56;
 - ii. Begin utilizing and retaining all manifests, work orders, invoices, or other records to document the removal and management of all used or scrap tires or scrap tire pieces at the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.56;
 - iii. Establish a vector control program for tires stored outside at the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.56; and
 - iv. Sort, mark classify, and arrange good used tired for sale to the consumer, in accordance with 30 TEX. ADMIN. CODE § 328.56;
 - c. Within 45 days after the effective date of this Order, obtain a scrap tire transporter registration, in accordance with 30 TEX. ADMIN. CODE § 328.57;
 - d. Within 180 days of this Order, obtain a scrap tire generator and storage site registration for the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 328.56, 328.59, and 328.60;
 - e. In lieu of Ordering Provision No. 2.d., within 45 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 2,000 tires in enclosed and lockable containers, in accordance with 30 TEX. ADMIN. CODE § 328.60; and
 - f. Within 195 days after the effective date of this Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c., and 2.d. or 2.e. The certification 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 certifications 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by 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.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Phillip Ledbetter

For the Executive Director

12/19/2025

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

FRANCISCO ROJAS

Signature - Francisco Rojas

09-30-25

Date

5139 Bryce Canyon Road
Dallas, Texas 75211-4231

If mailing address has changed, please check this box and provide the new address below:
