

Executive Summary – Enforcement Matter – Case No. 64752
AET Environmental, Inc Source Environmental dba AET Environmental Texas
RN105695779
Docket No. 2023-1275-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

AET Environmental Texas, 2141 Collins Road, Suite 701, Denton, Denton County

Type of Operation:

Hazardous waste transporter company

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: August 2, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,165

Amount Deferred for Expedited Settlement: \$3,433

Total Paid to General Revenue: \$397

Total Due to General Revenue: \$13,335

Payment Plan: 35 payments of \$381 each

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 23, 2023

Complaint Information: Alleged that the facility was storing old chemicals and that contamination may be present on-site.

Date(s) of Investigation: April 17, 2023

Date(s) of NOE(s): September 1, 2023

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Violation Information

1. Failed to have or obtain authorization to store industrial and hazardous waste past 10 days without a permit. Specifically, the Respondent was storing 26 drums and eight 5-gallon buckets, containing hazardous waste, at the Facility without authorization for more than 11 months, which exceeded the 10-day accumulation/storage time limit for a transfer facility [30 TEX. ADMIN. CODE §§ 335.2(a), 335.94(a), and 335.43(a) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 263.12(a)].
2. Failed to develop a written inspection schedule and conduct inspections of all container storage areas for malfunction and deterioration, operator errors, and discharges which may be causing or may lead to release of hazardous constituents to the environment or a threat to human health [30 TEX. ADMIN. CODE § 335.94(a)(2) and 40 CFR §§ 265.15(a), (b)(1), and (d) and 265.174].
3. Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, the investigator noted an opened, white, 5-gallon bucket marked with "Hazardous Waste" [30 TEX. ADMIN. CODE § 335.94(a)(6) and 40 CFR § 265.173(a)].
4. Failed to maintain a compliant copy of the contingency plan and emergency procedures at the Facility. Specifically, the alarm system and alternative evacuation routes were missing from the site map of the contingency plan [30 TEX. ADMIN. CODE § 335.94(a)(5) and 40 CFR § 265.52(e) and (f)].
5. Failed to maintain a container holding hazardous waste in good condition. Specifically, three drums were noted to be in poor condition with evidence of leaking as liquid waste had crystallized onto the containers [40 CFR §§ 243.200, 265.15(c), and 265.171].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Developed a written inspection schedule and submitted completed inspection forms to the TCEQ on June 4, 2023;
- b. Closed the open container on April 17, 2023;
- c. Developed and implemented procedures designed to ensure that industrial and hazardous waste is not stored at the Facility for longer than 10 days on February 14, 2024;
- d. Submitted an updated contingency plan to the TCEQ on June 4, 2023;

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e. Removed 23 drums containing hazardous waste from the Facility and disposed of them at an authorized facility on May 18, 2023; and

f. Removed the remaining unauthorized industrial and hazardous waste from the Facility and disposed of it at an authorized facility on February 14, 2024.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Tiffany Chu, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5891; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Lori Devito, President, AET Environmental, Inc Source Environmental, 14 Lakeside Lane, Denver, Colorado 80212-7413

Brian Recatto, Chief Executive Officer, Crystal Clean, 2000 Center Drive, Suite 300, Hoffman Estates, Illinois 60192

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Sep-2023		
	PCW	15-Mar-2024	Screening	13-Sep-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	AET Environmental, Inc Source Environmental dba AET Environmental Texas			
Reg. Ent. Ref. No.	RN105695779			
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	64752	No. of Violations	5	
Docket No.	2023-1275-IHW-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Tiffany Chu	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$19,500
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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.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,436
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$127	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,064
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.6%	Adjustment	\$101
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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. 2.			
Final Penalty Amount				\$17,165

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,165
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,433
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$13,732
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Screening Date

13-Sep-2023

Respondent

AET Environmental, Inc

Case ID No.

64752

Reg. Ent. Reference No.

RN105695779

Media

Industrial and Hazardous Waste

Enf. Coordinator

Tiffany Chu

Docket No.

2023-1275-IHW-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Source Environmental dba AET Environmental
Texas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2)

0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

0%

Screening Date	13-Sep-2023	Docket No.	2023-1275-IHW-E	PCW
Respondent	AET Environmental, Inc Source Environmental dba AET Environmental			Policy Revision 5 (January 28, 2021)
Case ID No.	Texas	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	64752			
Media	RN105695779			
Enf. Coordinator	Industrial and Hazardous Waste			
Violation Number	Tiffany Chu			
Rule Cite(s)	1			
Violation Description	30 Tex. Admin. Code §§ 335.2(a), 335.94(a), and 335.43(a), and 40 Code of Federal Regulations ("CFR") § 263.12(a)			
	Failed to have or obtain authorization to store industrial hazardous waste ("IHW") past 10 days without a permit. Specifically, the Respondent was storing 26 drums and eight 5-gallon buckets, containing hazardous waste, at the Facility without authorization, for more than 11 months, which exceeded the 10-day accumulation/storage time limit for a transfer facility.			
	Base Penalty			\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
				Percent 10.0%
Matrix Notes	100% of the rule requirement was not met.			
	Adjustment			\$22,500
				\$2,500
Violation Events				
	Number of Violation Events	5	149	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty \$12,500			
	Five monthly events are recommended from the April 17, 2023 investigation date to the September 13, 2023 screening date.			
Good Faith Efforts to Comply		10.0%	Reduction	\$1,250
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondent developed and implemented procedures designed to ensure that IHW is not stored at the Facility for longer than 10 days on February 14, 2024, after the September 1, 2023 Notice of Enforcement ("NOE").		
	Violation Subtotal			\$11,250
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$21	Violation Final Penalty Total	\$11,317
	This violation Final Assessed Penalty (adjusted for limits)			\$11,317

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

AET Environmental, Inc Source Environmental dba AET Environmental Texas
64752
RN105695779
Industrial and Hazardous Waste
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	\$500	17-Apr-2023	14-Feb-2024	0.83	\$21	n/a	\$21
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to develop and implement procedures designed to ensure that IHW is not stored at the Facility for longer than 10 days. The Date Required is the investigation date and the Final Date is the 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	\$21
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Screening Date 13-Sep-2023		Docket No. 2023-1275-IHW-E		PCW	
Respondent Texas		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64752		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN105695779					
Media Industrial and Hazardous Waste					
Enf. Coordinator Tiffany Chu					
Violation Number 2					
Rule Cite(s) 30 Tex. Admin. Code § 335.94(a)(2) and 40 CFR §§ 265.15(a), (b)(1), and (d) and 265.174					
Violation Description					
Failed to develop a written inspection schedule and conduct inspections of all container storage areas for malfunction and deterioration, operator errors, and discharges which may be causing or may lead to release of hazardous constituents to the environment or a threat to human health.					
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential	x		Percent	5.0%
>> 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 which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
				Adjustment	\$23,750
					\$1,250
Violation Events					
Number of Violation Events		1	48	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x		Violation Base Penalty \$1,250	
One single event is recommended.					
Good Faith Efforts to Comply		25.0%		Reduction \$312	
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent developed a written inspection schedule and submitted completed inspection forms to TCEQ on June 4, 2023, prior to the September 1, 2023 NOE.				
				Violation Subtotal	\$938
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$104	Violation Final Penalty Total		\$944
This violation Final Assessed Penalty (adjusted for limits)				\$944	

Economic Benefit Worksheet

Respondent Case ID No.
Reg. Ent. Reference No.
Media Violation No.

AET Environmental, Inc Source Environmental dba AET Environmental Texas
64752
RN105695779
Industrial and Hazardous Waste
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	17-Apr-2023	4-Jun-2023	0.13	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to develop a written inspection schedule of all container storage areas and begin maintaining records of all inspections conducted per the inspection schedule for the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	17-Apr-2023	4-Jun-2023	0.13	\$1	\$100	\$101
Notes for AVOIDED costs	Estimated avoided cost to conduct inspections of waste container storage areas. The Date Required is the investigation date and the Final Date is the date of compliance.						

Approx. Cost of Compliance	\$600	TOTAL	\$104
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Screening Date 13-Sep-2023		Docket No. 2023-1275-IHW-E		PCW	
Respondent Texas		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64752		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN105695779					
Media Industrial and Hazardous Waste					
Enf. Coordinator Tiffany Chu					
Violation Number		3			
Rule Cite(s)		30 Tex. Admin. Code § 335.94(a)(6) and 40 CFR § 265.173(a)			
Violation Description		Failed to keep a container holding hazardous waste closed except when adding or removing waste. Specifically, the investigator noted an opened, white, 5-gallon bucket marked with "Hazardous Waste".			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential		x	Percent	3.0%
>>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	\$24,250
					\$750
Violation Events					
Number of Violation Events		1	1	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x		Violation Base Penalty \$750	
One single event is recommended.					
Good Faith Efforts to Comply		25.0%		Reduction \$187	
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent closed the open container on April 17, 2023, prior to the September 1, 2023 NOE.				
				Violation Subtotal	\$563
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$0	Violation Final Penalty Total		\$566
This violation Final Assessed Penalty (adjusted for limits)					\$566

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

AET Environmental, Inc Source Environmental dba AET Environmental Texas
64752
RN105695779
Industrial and Hazardous Waste
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				0.00	\$0	n/a	\$0
Other (as needed)	\$25	17-Apr-2023	17-Apr-2023	0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to properly close a container holding hazardous waste. The Date Required is the investigation date the Final Date is the 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	\$25	TOTAL	\$0
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Screening Date		13-Sep-2023		Docket No. 2023-1275-IHW-E		PCW	
Respondent		AET Environmental, Inc Source Environmental dba AET Environmental					
Case ID No.		64752		<i>Policy Revision 5 (January 28, 2021)</i>			
Reg. Ent. Reference No.		RN105695779		<i>PCW Revision February 11, 2021</i>			
Media		Industrial and Hazardous Waste					
Enf. Coordinator		Tiffany Chu					
Violation Number		4					
Rule Cite(s)		30 Tex. Admin. Code § 335.94(a)(5) and 40 CFR § 265.52(e) and (f)					
Violation Description		Failed to maintain a compliant copy of the contingency plan and emergency procedures at the Facility. Specifically, the alarm system and alternative evacuation routes were missing from the site map of the contingency plan.					
Base Penalty						\$25,000	
>> Environmental, Property and Human Health Matrix							
OR	Release		Harm				
		Major	Moderate	Minor			
	Actual						
	Potential		x		Percent	5.0%	
>>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 which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.						
Adjustment						\$23,750	
						\$1,250	
Violation Events							
Number of Violation Events		1		48		Number of violation days	
	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event	x					
Violation Base Penalty						\$1,250	
						One single event is recommended.	
Good Faith Efforts to Comply		25.0%		Reduction		\$312	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary						
	Ordinary	x					
	N/A						
Notes	The Respondent submitted documentation demonstrating an updated contingency plan to TCEQ on June 4, 2023, prior to the September 1, 2023 NOE.						
Violation Subtotal						\$938	
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		\$1		Violation Final Penalty Total		\$944	
This violation Final Assessed Penalty (adjusted for limits)						\$944	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. AET Environmental, Inc Source Environmental dba AET Environmental Texas 64752 RN105695779 Industrial and Hazardous Waste 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	\$200	17-Apr-2023	4-Jun-2023	0.13	\$1	n/a	\$1
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 cost to update the site map of the contingency plan to include the alarm system (\$100) and alternative evacuation routes (\$100). The Date Required is the investigation date and the Final Date is the 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	\$200	TOTAL	\$1
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Screening Date 13-Sep-2023		Docket No. 2023-1275-IHW-E		PCW	
Respondent Texas		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64752		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN105695779					
Media Industrial and Hazardous Waste					
Enf. Coordinator Tiffany Chu					
Violation Number 5					
Rule Cite(s)		40 CFR §§ 243.200, 265.15(c), and 265.171			
Violation Description		Failed to maintain a container storing hazardous waste in good condition. Specifically, three drums were noted to be in poor condition with evidence of leaking as liquid waste had crystallized onto the containers.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do 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		149 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
Violation Base Penalty \$3,750					
One single event is recommended.					
Good Faith Efforts to Comply		10.0%		Reduction \$375	
	Extraordinary	Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer	
	Ordinary			x	
	N/A				
Notes	The Respondent properly removed of all unauthorized IHW at the Facility and disposed of it at an authorized facility on February 14, 2024, after the September 1, 2023 NOE.				
Violation Subtotal				\$3,375	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$1		Violation Final Penalty Total \$3,395	
This violation Final Assessed Penalty (adjusted for limits)				\$3,395	

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

AET Environmental, Inc Source Environmental dba AET Environmental Texas
64752
RN105695779
Industrial and Hazardous Waste
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	\$25	17-Apr-2023	14-Feb-2024	0.83	\$1	n/a	\$1
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 properly dispose of 2.10 cubic yards of IHW at an authorized facility. The Date Required is the investigation date and the Final Date is the 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	\$25	TOTAL	\$1
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Compliance History Report

Compliance History Report for CN602800799, RN105695779, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN602800799, AET Environmental, Inc Source Environmental	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN105695779, AET Environmental Texas	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	2	Repeat Violator:	NO
CH Group:	07 - Solid Waste Landfills		
Location:	2141 COLLINS ROAD SUITE 701, DENTON, DENTON COUNTY, TEXAS 76208-1719		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 88629 USED OIL EPA ID TXR000079360	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000079360		

Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	December 08, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	December 08, 2018 to December 08, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Tiffany Chu		Phone:	(817) 588-5891	

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

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

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

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING

AET ENVIRONMENTAL, INC SOURCE
ENVIRONMENTAL DBA AET
ENVIRONMENTAL TEXAS
RN105695779

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1275-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding AET Environmental, Inc Source Environmental dba AET Environmental Texas (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a hazardous waste transporter company located at 2141 Collins Road, Suite 701 in Denton, Denton County, Texas (the "Facility"). The Facility involves or involved the management of industrial and hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,165 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$397 of the penalty and \$3,433 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$13,335 of the undeferred penalty shall be paid in 35 monthly payments of \$381 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 the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, 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 the Respondent has not complied with one or more of the terms or conditions 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 compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Developed a written inspection schedule and submitted completed inspection forms to the TCEQ on June 4, 2023;
 - b. Closed the open container on April 17, 2023;
 - c. Developed and implemented procedures designed to ensure that IHW is not stored at the Facility for longer than 10 days on February 14, 2024;
 - d. Submitted an updated contingency plan to the TCEQ on June 4, 2023;
 - e. Removed 23 drums containing hazardous waste from the Facility and disposed of them at an authorized facility on May 18, 2023; and
 - f. Removed the remaining unauthorized IHW from the Facility and disposed of it at an authorized facility on February 14, 2024.

II. ALLEGATIONS

During an investigation at the Facility conducted on April 17, 2023, an investigator documented that the Respondent:

1. Failed to have or obtain authorization to store IHW past 10 days without a permit, in violation of 30 TEX. ADMIN. CODE §§ 335.2(a), 335.94(a), and 335.43(a) and 40 CODE OF

FEDERAL REGULATIONS ("CFR") § 263.12(a). Specifically, the Respondent was storing 26 drums and eight 5-gallon buckets, containing hazardous waste, at the Facility without authorization for more than 11 months, which exceeded the 10-day accumulation/storage time limit for a transfer facility.

2. Failed to develop a written inspection schedule and conduct inspections of all container storage areas for malfunction and deterioration, operator errors, and discharges which may be causing or may lead to release of hazardous constituents to the environment or a threat to human health, in violation of 30 TEX. ADMIN. CODE § 335.94(a)(2) and 40 CFR §§ 265.15(a), (b)(1), and (d) and 265.174.
3. Failed to keep a container holding hazardous waste closed except when adding or removing waste, in violation of 30 TEX. ADMIN. CODE § 335.94(a)(6) and 40 CFR § 265.173(a). Specifically, the investigator noted an opened, white, 5-gallon bucket marked with "Hazardous Waste".
4. Failed to maintain a compliant copy of the contingency plan and emergency procedures at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.94(a)(5) and 40 CFR § 265.52(e) and (f). Specifically, the alarm system and alternative evacuation routes were missing from the site map of the contingency plan.
5. Failed to maintain a container holding hazardous waste in good condition, in violation of 40 CFR §§ 243.200, 265.15(c), and 265.171. Specifically, three drums were noted to be in poor condition with evidence of leaking as liquid waste had crystallized onto the containers.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 action 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: AET Environmental, Inc Source Environmental dba AET Environmental Texas, Docket No. 2023-1275-IHW-E" to:

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

2. All relief not expressly granted in this Order is denied.

3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The 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.
4. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the 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 the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. 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.
7. 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


For the Executive Director

7/30/2024
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, if any, 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 submitted;
- Referral of this case to the OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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


Signature

7-8-24
Date

Brian Recatto
Name (Printed or typed)

CEO
Title

Authorized Representative of
AET Environmental, Inc Source Environmental dba AET Environmental Texas

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.