

Executive Summary – Enforcement Matter – Case No. 64528
Wood Chippers LLC and Caprock Enterprises LP
RN111659835
Docket No. 2023-1681-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – AIR, MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Wood Chippers UNA Site, 4204 Magnolia Avenue, Lubbock, Lubbock County

Type of Operation:

Unauthorized municipal solid waste ("MSW") disposal site and composting facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: 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: September 26, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,166

Amount Deferred for Expedited Settlement: \$3,633

Total Paid to General Revenue: \$428

Total Due to General Revenue: \$14,105

Payment Plan: 35 payments of \$403 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): January 25, 2023

Complaint Information: Alleged a dust issue in Lubbock County.

Date(s) of Investigation: January 26, 2023

Date(s) of NOE(s): March 8, 2023

Executive Summary – Enforcement Matter – Case No. 64528
Wood Chippers LLC and Caprock Enterprises LP
RN111659835
Docket No. 2023-1681-MLM-E

Violation Information

1. Failed to submit a Notice of Intent prior to the commencement of recycling activities. Specifically, the Respondents accepted and processed discarded wood wastes, including but not limited to cut limbs, branches, tree trunks, leaves, wooden pallets, fencing materials, and construction lumber without prior notice to the TCEQ [30 TEX. ADMIN. CODE § 328.5(b)].
2. Failed to provide a written estimate showing the cost of hiring a third party to close the Site by disposition of all processed and unprocessed materials [30 TEX. ADMIN. CODE § 328.5(c)(1)].
3. Failed to establish and maintain financial assurance for the closure of a Site that stores combustible materials outdoors [30 TEX. ADMIN. CODE §§ 328.5(d) and 37.921].
4. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, approximately 10 cubic yards of MSW consisting of scrap tires, discarded furniture, and construction and demolition debris was disposed of at the Site [30 TEX. ADMIN. CODE § 330.15(a) and (c)].
5. Failed to obtain authorization prior to constructing any new facility or modifying an existing facility that emits air contaminants. Specifically, the Respondents were processing vegetation through a trommel screen, which was emitting particulate matter at the time of the investigation, and a tub grinder that were not equipped with dust suppression devices prior to obtaining authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrective measures at the Site:

- a. The Respondents removed all remaining recyclable materials and MSW, including scrap tires, and disposed of it at an authorized facility by September 25, 2023; and
- b. The Respondents ceased operations at the Site by February 24, 2023.

Technical Requirements:

N/A

**Executive Summary – Enforcement Matter – Case No. 64528
Wood Chippers LLC and Caprock Enterprises LP
RN111659835
Docket No. 2023-1681-MLM-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rachel Murray, Enforcement Division, Enforcement Team 3, MC R-12, (903) 535-5149; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Beau Brown, Partner, Wood Chippers LLC and Caprock Enterprises LP, 4612 86th Street, Lubbock, Texas 79424

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Mar-2023	Screening	17-Aug-2023	EPA Due	
	PCW	17-Jan-2024				

RESPONDENT/FACILITY INFORMATION			
Respondent	Wood Chippers LLC and Caprock Enterprises LP		
Reg. Ent. Ref. No.	RN111659835		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64528	No. of Violations	4
Docket No.	2023-1681-MLM-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Rachel Murray
		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	\$20,000
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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 Respondents do not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0 %	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,748	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$55,933	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,125
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.2 %	Adjustment	\$41
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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.
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Final Penalty Amount	\$18,166
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,166
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DEFERRAL	20.0 %	Reduction	Adjustment	-\$3,633
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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	\$14,533
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Screening Date	17-Aug-2023	Docket No.	2023-1681-MLM-E	PCW
Respondent	Wood Chippers LLC and Caprock Enterprises LP			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64528			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111659835			
Media	Municipal Solid Waste			
Enf. Coordinator	Rachel Murray			

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)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

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	17-Aug-2023	Docket No.	2023-1681-MLM-E	PCW
Respondent	Wood Chippers LLC and Caprock Enterprises LP			Policy Revision 5 (January 28, 2021)
Case ID No.	64528			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN111659835			
Media	Municipal Solid Waste			
Enf. Coordinator	Rachel Murray			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 328.5(b)			
Violation Description	Failed to submit a Notice of Intent prior to the commencement of recycling activities. Specifically, the Respondents accepted and processed discarded wood wastes, including but not limited to cut limbs, branches, tree trunks, leaves, wooden pallets, fencing materials, and construction lumber without prior notice to the TCEQ.			
Base Penalty	\$25,000			

>> Environmental, Property and Human Health Matrix

OR

	Release	Harm	
		Major Moderate 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 2

203 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$5,000

Two semiannual events are recommended from the January 26, 2023 investigation date to the August 17, 2023 screening date.

Good Faith Efforts to Comply

10.0 %

Reduction \$500

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

Notes

The Respondents came into compliance on September 25, 2023, after the March 8, 2023 Notice of Enforcement ("NOE").

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,682

Violation Final Penalty Total \$4,510

This violation Final Assessed Penalty (adjusted for limits) \$4,510

Economic Benefit Worksheet

Respondent Wood Chippers LLC and Caprock Enterprises LP
Case ID No. 64528
Reg. Ent. Reference No. RN111659835
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	\$50,744	26-Jan-2023	25-Sep-2023	0.66	\$1,682	n/a	\$1,682
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 cease operations and remove the remaining recyclable material at the Site. 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	\$50,744	TOTAL	\$1,682
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Screening Date	17-Aug-2023	Docket No.	2023-1681-MLM-E	PCW
Respondent	Wood Chippers LLC and Caprock Enterprises LP			
Case ID No.	64528	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN111659835	<i>PCW Revision February 11, 2021</i>		
Media	Municipal Solid Waste			
Enf. Coordinator	Rachel Murray			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 328.5(c)(1) and (d) and 37.921			
Violation Description	Failed to provide a written estimate showing the cost of hiring a third party to close the Site by disposition of all processed and unprocessed materials. Also, failed to establish and maintain financial assurance for the closure of a Site that stores combustible materials outdoors.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

Matrix Notes	Falsification					
	Major	Moderate	Minor			
					Percent	10.0%
100% of the rule requirement was not met.						
Adjustment					\$22,500	

\$2,500

Violation Events

Number of Violation Events	1	203	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Violation Base Penalty		\$2,500	

Good Faith Efforts to Comply

	25.0 %		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A			
Notes	The Respondents ceased operations on February 24, 2023, before the March 8, 2023 NOE.		
Violation Subtotal		\$1,875	

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$41
Violation Final Penalty Total	\$1,879
This violation Final Assessed Penalty (adjusted for limits)	\$1,879

Economic Benefit Worksheet

Respondent Wood Chippers LLC and Caprock Enterprises LP
Case ID No. 64528
Reg. Ent. Reference No. RN111659835
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				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

Estimated delayed cost to remove the MSW from the Site and dispose of it at an authorized facility is included in the Economic Benefit for Violation No. 3

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	\$507	26-Jan-2023	24-Feb-2023	0.08	\$1	\$40	\$41
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to establish and maintain financial assurance for approximately 3,471 cubic yards of waste at the Site. The Date Required is the investigation date and the Final Date is the date that the Respondent ceased operations.

Approx. Cost of Compliance

\$40

TOTAL

\$41

Screening Date 17-Aug-2023	Docket No. 2023-1681-MLM-E	PCW
Respondent Wood Chippers LLC and Caprock Enterprises LP	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 64528	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN111659835		
Media Municipal Solid Waste		
Enf. Coordinator Rachel Murray		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 330.15(a) and (c)	
Violation Description	Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, approximately 10 cubic yards of MSW consisting of scrap tires, discarded furniture, and construction and demolition debris was disposed of at the Site.	
Base Penalty		\$25,000

> > Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 15.0%
	Potential				

> > Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0.0%
	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	2		203	Number of violation days
daily				
weekly				
monthly				
quarterly				
semiannual		x		
annual				
single event				

Violation Base Penalty	\$7,500
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Two semiannual events are recommended from the January 26, 2023 investigation date to the August 17, 2023 screening date.

Good Faith Efforts to Comply

10.0%	Reduction \$750
	Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer
Extraordinary	
Ordinary	X
N/A	
Notes	The Respondent came into compliance on September 25, 2023, after the March 8, 2023 NOE.

Violation Subtotal	\$6,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$5	
Violation Final Penalty Total	\$6,765
This violation Final Assessed Penalty (adjusted for limits) \$6,765	

Economic Benefit Worksheet

Respondent Wood Chippers LLC and Caprock Enterprises LP
Case ID No. 64528
Reg. Ent. Reference No. RN111659835
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	\$149	26-Jan-2023	25-Sep-2023	0.66	\$5	n/a	\$5
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 remove 10 cubic yards of MSW from the Site and dispose of it 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

\$149

TOTAL

\$5

Screening Date 17-Aug-2023 Respondent Wood Chippers LLC and Caprock Enterprises LP Case ID No. 64528 Reg. Ent. Reference No. RN111659835 Media Municipal Solid Waste Enf. Coordinator Rachel Murray	Docket No. 2023-1681-MLM-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)		
Violation Description Failed to obtain authorization prior to constructing any new facility or modifying an existing facility that emits air contaminants. Specifically, the Respondents were processing vegetation through a trommel screen, which was emitting particulate matter at the time of the investigation, and a tub grinder that were not equipped with dust suppression devices prior to obtaining authorization.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
	Potential				0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	2	203	Number of violation days
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daily					
weekly					
monthly					
quarterly					
semiannual	x				
annual					
single event					

Violation Base Penalty \$5,000

Two semiannual events are recommended from the January 26, 2023 investigation date to the August 17, 2023 screening date.

Good Faith Efforts to Comply

	0.0 %	
		Reduction \$0
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$20	Violation Final Penalty Total \$5,011
This violation Final Assessed Penalty (adjusted for limits) \$5,011	

Economic Benefit Worksheet

Respondent Wood Chippers LLC and Caprock Enterprises LP
Case ID No. 64528
Reg. Ent. Reference No. RN111659835
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	\$5,000	26-Jan-2023	24-Feb-2023	0.08	\$20	n/a	\$20
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to obtain authorization for the trommel screen and tub grinder at the Site and the associated emissions. The Date Required is the investigation date and the Final Date is the date that the Respondent ceased operations.						

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	\$20
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Compliance History Report

Compliance History Report for CN606105187, RN111659835, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN606105187, Caprock Enterprises LP **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN111659835, Wood Chippers UNA Site **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 4204 MAGNOLIA AVENUE, LUBBOCK, LUBBOCK COUNTY, TEXAS 79404

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
MUNICIPAL SOLID WASTE NON PERMITTED ID
NUMBER R02111659835

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: May 01, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2020 to May 01, 2025

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Rachel Murray **Phone:** (903) 535-5149

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



Compliance History Report

Compliance History Report for CN606105203, RN111659835, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN606105203, Wood Chippers LLC

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN111659835, Wood Chippers UNA Site

Classification: UNCLASSIFIED

Rating: -----

Complexity Points: 3

Repeat Violator: NO

CH Group: 14 - Other

Location: 4204 MAGNOLIA AVENUE, LUBBOCK, LUBBOCK COUNTY, TEXAS 79404

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

MUNICIPAL SOLID WASTE NON PERMITTED ID
NUMBER R02111659835

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: May 01, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2020 to May 01, 2025

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

Name: Rachel Murray

Phone: (903) 535-5149

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
WOOD CHIPPERS LLC AND
CAPROCK ENTERPRISES LP
RN111659835

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-1681-MLM-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 Wood Chippers LLC and Caprock Enterprises LP (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondent, Caprock Enterprises LP, owns and the Respondent, Wood Chippers LLC, operates an unauthorized municipal solid waste ("MSW") disposal site and composting facility located at 4204 Magnolia Avenue in Lubbock, Lubbock County, Texas (the "Site"). The Site involves or involved the management of MSW, including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondents 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 Respondents are 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 chs. 361 and 382 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$18,166 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$428 of the penalty and \$3,633 is deferred contingent upon the Respondents' 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 \$14,105 of the undeferred penalty shall be paid in 35 monthly payments of \$403 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 Respondents fail 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 Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondents 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 Respondents 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 Respondents have 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 Respondents implemented the following corrective measures at the Site:
 - a. The Respondents removed all remaining recyclable materials and MSW, including scrap tires, and disposed of it at an authorized facility by September 25, 2023; and
 - b. The Respondents ceased operations at the Site by February 24, 2023.

II. ALLEGATIONS

During an investigation at the Site conducted on January 26, 2023, an investigator documented that the Respondents:

1. Failed to submit a Notice of Intent prior to the commencement of recycling activities, in violation of 30 TEX. ADMIN. CODE § 328.5(b). Specifically, the Respondents accepted and processed discarded wood wastes, including but not limited to cut limbs, branches, tree trunks, leaves, wooden pallets, fencing materials, and construction lumber without prior notice to the TCEQ.
2. Failed to provide a written estimate showing the cost of hiring a third party to close the Site by disposition of all processed and unprocessed materials, in violation of 30 TEX. ADMIN. CODE § 328.5(c)(1).

3. Failed to establish and maintain financial assurance for the closure of a Site that stores combustible materials outdoors, in violation of 30 TEX. ADMIN. CODE §§ 328.5(d) and 37.921.
4. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately 10 cubic yards of MSW consisting of scrap tires, discarded furniture, and construction and demolition debris was disposed of at the Site.
5. Failed to obtain authorization prior to constructing any new facility or modifying an existing facility that emits air contaminants, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondents were processing vegetation through a trommel screen, which was emitting particulate matter at the time of the investigation, and a tub grinder that were not equipped with dust suppression devices prior to obtaining authorization.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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: Wood Chippers LLC and Caprock Enterprises LP, Docket No. 2023-1681-MLM-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. The Respondents are jointly and severally liable for the violations documented in this Order and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
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 the Respondents.
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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the

Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Order, issued by the Commission, shall not be admissible against the Respondents 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.
7. 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.
8. 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

Krista Mello-Jurack

For the Executive Director

11/02/2025

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, 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.

Beau Brown

Signature

11/14/25

Date

Beau Brown

Name (Printed or typed)
Authorized Representative of
Wood Chippers LLC

Partner

Title

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

Wood Chippers LLC
4612 86th
Lubbock, TX 79424

SIGNATURE PAGE

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- 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.

Beau Brown

Signature

8/14/25

Date

Beau Brown

Name (Printed or typed)
Authorized Representative of
Caprock Enterprises LP

Partner

Title

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