

Executive Summary – Enforcement Matter – Case No. 65092
T&L Fort Worth, LLC dba Servpro Lake Arlington
RN111831780
Docket No. 2023-1697-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Servpro Lake Arlington, 7435 Pebble Drive, Fort Worth, Tarrant County

Type of Operation:

Commercial and residential warehouse and unauthorized industrial hazardous storage site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 28, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,813

Amount Deferred for Expedited Settlement: \$2,362

Total Paid to General Revenue: \$281

Total Due to General Revenue: \$9,170

Payment Plan: 35 payments of \$262 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2023

Date(s) of NOE(s): November 28, 2023

Executive Summary – Enforcement Matter – Case No. 65092
T&L Fort Worth, LLC dba Servpro Lake Arlington
RN111831780
Docket No. 2023-1697-IHW-E

Violation Information

1. Failed to conduct hazardous waste determinations and waste classifications. Specifically, hazardous waste determinations and waste classifications were not conducted on sanitizer consisting of 70 to 83% ethyl alcohol at the time of the investigation [30 TEX. ADMIN. CODE § 335.504 & 40 CODE OF FEDERAL REGULATIONS § 262.11].
2. Failed to have or obtain authorization to dispose of industrial hazardous waste (“IHW”) at an authorized facility. Specifically, the Respondent transported hazardous waste sanitizer from a storage facility to be stored at their Facility without authorization [30 TEX. ADMIN. CODE §§ 335.2(a) and (b) and 335.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Developed and implemented procedures to ensure that IHW is not accepted for transport, storage, or disposal at the Facility on October 31, 2023; and
- b. Removed all IHW from the Facility and disposed of it at an authorized facility on December 28, 2023.

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: Michael L. Batson, Executive Vice President of Administration, Servpro Lake Arlington, 226 Bailey Avenue Suite 100, Fort Worth, Texas 76107-1260
Tom Johnson, General Manager, Servpro Lake Arlington, 226 Bailey Avenue Suite 100, Fort Worth, Texas 76107-1260

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Nov-2023		
	PCW	8-Dec-2023	Screening	7-Dec-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	T&L Fort Worth, LLC dba Servpro Lake Arlington			
Reg. Ent. Ref. No.	RN111831780			
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	65092	No. of Violations	2	
Docket No.	2023-1697-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	\$13,750
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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	-\$1,937
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$375	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$20,238	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,813
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$11,813

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,813
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,362
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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	\$9,451
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Screening Date

7-Dec-2023

Docket No.

2023-1697-IHW-E

PCW

Respondent

T&L Fort Worth, LLC dba Servpro Lake Arlington

Case ID No.

65092

Reg. Ent. Reference No.

RN111831780

Media

Industrial and Hazardous Waste

Enf. Coordinator

Tiffany Chu

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

7-Dec-2023

T&L Fort Worth, LLC dba Servpro Lake Arlington

65092

RN111831780

Industrial and Hazardous Waste

Tiffany Chu

Docket No.

2023-1697-IHW-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 335.504 & 40 Code of Federal Regulations § 262.11

Violation Description

Failed to conduct hazardous waste determinations and waste classifications. Specifically, hazardous waste determinations and waste classifications were not conducted on sanitizer consisting of 70 to 83% ethyl alcohol at the time of the investigation.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

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 pollutants that would 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

62

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

25.0%

Reduction

\$937

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent developed and implement procedures to ensure that IHW is not accepted for transport, storage, or disposal at the Facility on October 31, 2023, prior to the November 28, 2023 Notice of Enforcement ("NOE").

Violation Subtotal

\$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$2,813

This violation Final Assessed Penalty (adjusted for limits)

\$2,813

Economic Benefit Worksheet

Respondent Case ID No. T&L Fort Worth, LLC dba Servpro Lake Arlington
Reg. Ent. Reference No. 65092
Media RN111831780
Violation No. 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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The Economic Benefit is included in the Economic Benefit for Violation No. 2.						

Avoided CostsANNUALIZE 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
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Screening Date		7-Dec-2023		Docket No. 2023-1697-IHW-E		PCW	
Respondent		T&L Fort Worth, LLC dba Servpro Lake Arlington				Policy Revision 5 (January 28, 2021)	
Case ID No.		65092				PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN111831780					
Media		Industrial and Hazardous Waste					
Enf. Coordinator		Tiffany Chu					
Violation Number		2					
Rule Cite(s)		30 Tex. Admin. Code §§ 335.2(a) and (b) and 335.4					
Violation Description		Failed to have or obtain authorization to dispose of industrial and hazardous waste ("IHW") at an authorized facility. Specifically, the Respondent transported hazardous waste sanitizer from a storage facility to be stored at their Facility, without authorization.					
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		4		115		Number of violation days	
	daily						
	weekly						
	monthly	x					
	quarterly						
	semiannual						
	annual						
	single event						
Violation Base Penalty						\$10,000	
Four monthly events are recommended from the August 14, 2023 the Respondent began storing the IHW without authorization to the December 7, 2023 screening date.							
Good Faith Efforts to Comply		10.0%		Reduction		\$1,000	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer					
	Extraordinary						
	Ordinary	x					
	N/A						
Notes		The Respondent developed and implemented procedures to ensure that IHW is not accepted for transport, storage, or disposal at the Facility on October 31, 2023 and removed all IHW from the Facility on December 28, 2023, after the November 28, 2023 NOE.					
Violation Subtotal						\$9,000	
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		\$375		Violation Final Penalty Total		\$9,000	
This violation Final Assessed Penalty (adjusted for limits)						\$9,000	

Economic Benefit Worksheet

Respondent T&L Fort Worth, LLC dba Servpro Lake Arlington
Case ID No. 65092
Reg. Ent. Reference No. RN111831780
Media Violation No. 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				0.00	\$0	n/a	\$0
Training/Sampling	\$100	6-Oct-2023	31-Oct-2023	0.07	\$0	n/a	\$0
Remediation/Disposal	\$20,138	14-Aug-2023	28-Dec-2023	0.37	\$375	n/a	\$375
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 to ensure that IHW is not accepted for transport, storage, or disposal at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Estimated delayed cost to remove all IHW from the Facility and dispose of it at an authorized facility. The Date Required is the date the Respondent began storagin the IHW without authorization 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	\$20,238	TOTAL	\$375
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Compliance History Report

Compliance History Report for CN606193860, RN111831780, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN606193860, T&L Fort Worth, LLC	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN111831780, Servpro Lake Arlington	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	7435 PEBBLE DRIVE, FORT WORTH, TARRANT COUNTY, TEXAS 76118-6945				
TCEQ Region:	REGION 04 - DFW METROPLEX				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE

NONPERMITTED ID NUMBER R04111831780

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: March 21, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 21, 2019 to March 21, 2024

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? 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):

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 3/21/2019 and 3/21/2024

N/A

Appendix B

All Investigations Conducted During Component Period March 21, 2019 and March 21, 2024

Item 1 November 21, 2023 (1932306)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

For
Informational
Purposes
Only

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
T&L FORT WORTH, LLC DBA
SERVPRO LAKE ARLINGTON
RN111831780

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

AGREED ORDER DOCKET NO. 2023-1697-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 T&L Fort Worth, LLC dba Servpro Lake Arlington (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 commercial and residential warehouse and unauthorized industrial and hazardous ("IHW") storage site located at 7435 Pebble Drive in Fort Worth, Tarrant County, Texas (the "Facility"). The Facility involves or involved the management of 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 \$11,813 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$281 of the penalty and \$2,362 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 \$9,170 of the und deferred penalty shall be paid in 35 monthly payments of \$262 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 and implemented procedures to ensure that IHW is not accepted for transport, storage, or disposal at the Facility on October 31, 2023; and
 - b. Removed all IHW from the Facility and disposed of it at an authorized facility on December 28, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on October 6, 2023, an investigator documented that the Respondent:

1. Failed to conduct hazardous waste determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE § 335.504 & 40 CODE OF FEDERAL REGULATIONS § 262.11. Specifically, hazardous waste determinations and waste classifications were not conducted on sanitizer consisting of 70 to 83% ethyl alcohol at the time of the investigation.
2. Failed to have or obtain authorization to dispose of IHW, at an authorized facility, in violation of 30 TEX. ADMIN. CODE §§ 335.2(a) and (b) and 335.4. Specifically, the Respondent transported hazardous waste sanitizer from a storage facility to be stored at their Facility, without authorization.

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: T&L Fort Worth, LLC dba Servpro Lake Arlington, Docket No. 2023-1697-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

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

7/26/2024

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

7/12/2024

Date

MICHAEL L BATSON

Name (Printed or typed)

Authorized Representative of

T&L Fort Worth, LLC dba Servpro Lake Arlington

EXECUTIVE VP, ADMINISTRATION

Title

☐ 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.