

**Steven Sutherlin**  
RN111816963  
Docket No. 2023-1731-MSW-E

**Order Type:**  
Default Order

**Media:**  
MSW

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
6232 Southwest County Road 0050, Corsicana, Navarro County (the “Site”)

**Type of Operation:**  
an unauthorized municipal solid waste (“MSW”) disposal site

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None
Texas Register Publication Date:	June 27, 2025
Comments Received:	None

**Penalty Information**

Total Penalty Assessed:	\$28,851
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$28,851

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** Yes and No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date:** July 31, 2023

**Complaint Information:** Alleged dumping of debris and over 1000 used tires.

**Date of Investigation:** August 28, 2023

**Date of NOV:** N/A

**Date of NOE:** November 27, 2023

**Steven Sutherlin**  
RN111816963  
Docket No. 2023-1731-MSW-E

**Violation Information**

1. Failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires [30 TEX. ADMIN. CODE § 328.57(c)(1)].
2. Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers [TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE § 328.60(a)].
3. Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years [30 TEX. ADMIN. CODE § 328.57(c)(2) and (d)].
4. Caused suffered allowed or permitted the unauthorized disposal of municipal solid waste (“MSW”) [30 TEX ADMIN CODE § 330.15(a) and (c)].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:** None

**Technical Requirements:**

1. Immediately cease the unauthorized storing, transporting, and disposing of any additional MSW and/or scrap tires at the Site until proper authorization is obtained.
2. Within 30 days:
  - a. Remove the unauthorized MSW, including the construction waste, the wood pile, and buried MSW from the Site and dispose of it at an authorized facility; and
  - b. Develop and implement procedures to ensure that copies of all scrap tire manifests, work orders and invoices are maintained for a period of three years.
3. Within 75 days obtain a scrap tire transporter registration.
4. Within 75 days either:
  - a. Register as a scrap tire storage site; or
  - b. Reduce the number of scrap tires being stored at the Site to less than 500 on the ground or less than 2,000 in enclosed and lockable containers.
5. Within 90 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 through 4.

**Litigation Information**

**Date Petitions Filed:** August 26, 2024; October 14, 2024  
**Dates of Service:** unclaimed; unclaimed  
**Date Answer Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Marilyn Norrod, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Eunice Adegelu, Enforcement Division, (512) 239-5082  
**TCEQ Regional Contact:** Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent Contact:** Steven Sutherlin, property Owner, Steven Sutherlin, 6232 Southwest County Road 0050, Corsicana, Texas 75511-09425  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	27-Nov-2023	<b>Screening</b>	13-Dec-2023	<b>EPA Due</b>	
	<b>PCW</b>	7-Jun-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Steven Sutherlin
<b>Reg. Ent. Ref. No.</b>	RN111816963
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65136	<b>No. of Violations</b>	3
<b>Docket No.</b>	2023-1731-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Eunice Adegele
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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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.

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for Compliance History.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2,015
Estimated Cost of Compliance	\$35,850

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$25,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.4%</b>	<b>Adjustment</b>	\$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. 3.

<b>Final Penalty Amount</b>	\$25,101
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$25,101
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$25,101
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<b>Screening Date</b>	13-Dec-2023	<b>Docket No.</b>	2023-1731-MSW-E	<b>PCW</b>
<b>Respondent</b>	Steven Sutherlin			
<b>Case ID No.</b>	65136			
<b>Reg. Ent. Reference No.</b>	RN111816963			
<b>Media</b>	Municipal Solid Waste			
<b>Enf. Coordinator</b>	Eunice Adegele			

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%

<b>Screening Date</b> 13-Dec-2023 <b>Respondent</b> Steven Sutherlin <b>Case ID No.</b> 65136 <b>Reg. Ent. Reference No.</b> RN111816963 <b>Media</b> Municipal Solid Waste <b>Enf. Coordinator</b> Eunice Adegele	<b>Docket No.</b> 2023-1731-MSW-E  <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1								
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 328.57(c)(1)								
<b>Violation Description</b>	Failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires. Specifically, the Respondent transported scrap tires without a scrap tire transporter registration.								

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor		
	Actual					
	Potential					

  

	<b>Percent</b>	0.0%
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**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
		x				

  

	<b>Percent</b>	20.0%
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<b>Matrix Notes</b>	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$20,000
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	\$5,000
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**Violation Events**

Number of Violation Events	2		107	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					

  

	<b>Violation Base Penalty</b>	\$10,000
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Two quarterly events are recommended from the August 28, 2023 investigation date to the December 13, 2023 screening date.	
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**Good Faith Efforts to Comply**

<b>0.0%</b>	
	<b>Reduction</b>

  

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

  

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$10,000
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
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<b>Estimated EB Amount</b>	\$5	
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<b>Violation Final Penalty Total</b>	\$10,040	
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$10,040
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Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

Steven Sutherlin

65136

RN111816963

Municipal Solid Waste

1

Percent Interest

Years of Depreciation

5.0

15

Item Cost

Date Required

Final Date

Yrs

Interest Saved

Costs Saved

EB Amount

Item Description

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	28-Aug-2023	22-Sep-2024	1.07	\$5	n/a	\$5
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

<b>Screening Date</b> 13-Dec-2023 <b>Respondent</b> Steven Sutherlin <b>Case ID No.</b> 65136 <b>Reg. Ent. Reference No.</b> RN111816963 <b>Media</b> Municipal Solid Waste <b>Enf. Coordinator</b> Eunice Adegele	<b>Docket No.</b> 2023-1731-MSW-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 328.60(a) and Tex. Health & Safety Code § 361.112(a)
<b>Violation Description</b>		Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 7,110 scrap tires were stored at the Site without a scrap tire storage site registration.

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

  

**>> Programmatic Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="20.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

  

Matrix Notes	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$20,000
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	\$5,000
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**Violation Events**

Number of Violation Events	2	107	Number of violation days
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	daily	<input type="text"/>	<b>Violation Base Penalty</b>	\$10,000
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text" value="x"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

  

Two quarterly events are recommended from the August 28, 2023 investigation date to the December 13, 2023 screening date.
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**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>	\$0
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	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		

  

<b>Violation Subtotal</b>	\$10,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$1,904	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	\$10,040
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$10,040
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## Economic Benefit Worksheet

**Respondent** Steven Sutherlin  
**Case ID No.** 65136  
**Reg. Ent. Reference No.** RN111816963  
**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	\$35,550	28-Aug-2023	22-Sep-2024	1.07	\$1,904	n/a	\$1,904
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to register the Site as a scrap tire storage site (\$5 insurance cost per tire). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$35,550

**TOTAL**

\$1,904



<b>Screening Date</b> 13-Dec-2023 <b>Respondent</b> Steven Sutherlin <b>Case ID No.</b> 65136 <b>Reg. Ent. Reference No.</b> RN111816963 <b>Media</b> Municipal Solid Waste <b>Enf. Coordinator</b> Eunice Adegele	<b>Docket No.</b> 2023-1731-MSW-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>		
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">3</span>				
<b>Rule Cite(s)</b> <span style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 328.57(c)(2) and 328.57(d)</span>				
<b>Violation Description</b> <span style="border: 1px solid black; padding: 5px;">Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years. Specifically, no manifests were provided by the Respondent for the scrap tires transported to the Site.</span>				
<b>Base Penalty</b>		\$25,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
		<b>Percent</b>	0.0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
		x		
		<b>Percent</b>	20.0%	
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
<b>Adjustment</b>		\$20,000		
		\$5,000		
<b>Violation Events</b>				
Number of Violation Events		1	107	
		Number of violation days		
	daily		<b>Violation Base Penalty</b>	
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x	\$5,000	
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	
		\$0		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>		\$5,000		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$106	<b>Violation Final Penalty Total</b>	\$5,020	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$5,020		

## Economic Benefit Worksheet

**Respondent** Steven Sutherlin  
**Case ID No.** 65136  
**Reg. Ent. Reference No.** RN111816963  
**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	\$100	28-Aug-2023	22-Sep-2024	1.07	\$5	n/a	\$5
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 and implement procedures to ensure that copies of all scrap tire manifests, work orders, and invoices are maintained for a period of three years. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	28-Aug-2023	13-Dec-2023	0.29	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided cost to retain manifests, work orders, and invoices. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$200

**TOTAL**

\$106



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	27-Nov-2023	<b>Screening</b>	13-Dec-2023	<b>EPA Due</b>	
	<b>PCW</b>	7-Jun-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Steven Sutherlin				
<b>Reg. Ent. Ref. No.</b>	RN111816963				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65136	<b>No. of Violations</b>	1
<b>Docket No.</b>	2023-1731-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Eunice Adegele
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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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.

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
---------------------------	------	-------------------	--------------------------------	-----

<b>Notes</b>	No adjustment for Compliance History.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

<b>Notes</b>	The Respondent does not meet the culpability criteria.
--------------	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$367	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,843	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$3,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,750
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$3,750
------------------------	---------

<b>Screening Date</b>	13-Dec-2023	<b>Docket No.</b>	2023-1731-MSW-E	<b>PCW</b>
<b>Respondent</b>	Steven Sutherlin			
<b>Case ID No.</b>	65136			
<b>Reg. Ent. Reference No.</b>	RN111816963			
<b>Media</b>	Municipal Solid Waste			
<b>Enf. Coordinator</b>	Eunice Adegele			

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%

<b>Screening Date</b> 13-Dec-2023 <b>Respondent</b> Steven Sutherlin <b>Case ID No.</b> 65136 <b>Reg. Ent. Reference No.</b> RN111816963 <b>Media</b> Municipal Solid Waste <b>Enf. Coordinator</b> Eunice Adegelu <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 330.15(a) and (c) <b>Violation Description</b> Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 461.1 cubic yards of MSW consisting of construction waste, a wood pile, and buried MSW were disposed of at the Site.	<b>Docket No.</b> 2023-1731-MSW-E <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																			
<b>Base Penalty</b> \$25,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> 15.0%         </td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual			x	<b>Percent</b> 15.0%	Potential			
	<b>Harm</b>																			
<b>Release</b>	Major	Moderate	Minor																	
Actual			x	<b>Percent</b> 15.0%																
Potential																				
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> 0.0%         </td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Falsification				<b>Percent</b> 0.0%									
	Major	Moderate	Minor																	
Falsification				<b>Percent</b> 0.0%																
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">         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.       </div>																			
<b>Adjustment</b> \$21,250																				
\$3,750																				
<b>Violation Events</b>																				
Number of Violation Events 1      107 Number of violation days																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> <td rowspan="7" style="vertical-align: middle;"> <b>Violation Base Penalty</b> \$3,750         </td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily		<b>Violation Base Penalty</b> \$3,750	weekly		monthly		quarterly		semiannual	x	annual		single event					
daily		<b>Violation Base Penalty</b> \$3,750																		
weekly																				
monthly																				
quarterly																				
semiannual	x																			
annual																				
single event																				
One semiannual event is recommended from the August 28, 2023 investigation date to the December 13, 2023 screening date.																				
<b>Good Faith Efforts to Comply</b>																				
<b>0.0%</b> Reduction \$0																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">Notes</td> <td colspan="2" style="border: 1px solid black; padding: 5px;">         The Respondent does not meet the good faith criteria for this violation.       </td> </tr> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x		Notes	The Respondent does not meet the good faith criteria for this violation.					
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x																			
Notes	The Respondent does not meet the good faith criteria for this violation.																			
<b>Violation Subtotal</b> \$3,750																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
Estimated EB Amount	\$367																			
Violation Final Penalty Total	\$3,750																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$3,750																				

## Economic Benefit Worksheet

**Respondent** Steven Sutherlin  
**Case ID No.** 65136  
**Reg. Ent. Reference No.** RN111816963  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	\$6,843	28-Aug-2023	22-Sep-2024	1.07	\$367	n/a	\$367
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 approximately 461.1 cubic yards of MSW including construction waste, wood, and buried 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 estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,843

**TOTAL**

\$367



# Compliance History Report

Compliance History Report for CN606185874, RN111816963, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN606185874, Sutherlin, Steven	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN111816963, NAVARRO CAD PROPERTY ID 43687	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	6232 SOUTHWEST COUNTY ROAD 0050, CORSICANA, NAVARRO COUNTY, TEXAS 75110-9425				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				
<b>ID Number(s):</b>	<b>MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER</b> R04111816963				
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	February 12, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	February 12, 2019 to February 12, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Eunice Adegelu		<b>Phone:</b>	(512) 239-5082	

## 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



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
STEVEN SUTHERLIN;  
RN111816963

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2023-1731-MSW-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Steven Sutherlin ("Respondent").

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

### FINDINGS OF FACT

1. Respondent owns and operates an unauthorized municipal solid waste ("MSW") disposal site located at 6232 Southwest County Road 0050 in Corsicana, Navarro 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.
2. During an investigation conducted on August 28, 2023, an investigator documented that Respondent:
  - a. Failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires. Specifically, Respondent transported scrap tires without a scrap tire transporter registration;
  - b. Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 7,110 scrap tires were stored at the Site without a scrap tire storage site registration;
  - c. Failed to retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years. Specifically, no manifests were provided by Respondent for the scrap tires transported to the Site; and
  - d. Caused, suffered, allowed or permitted the unauthorized disposal of MSW. Specifically, approximately 461.1 cubic yards of MSW consisting of construction waste, a wood pile, and buried MSW were disposed of at the Site.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Steven Sutherlin" (the "EDPRP") in the TCEQ Chief Clerk's office on August 26, 2024.
4. The EDPRP was mailed to Respondent's last known address on August 26, 2024 via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on October 14, 2024.
6. By letter dated October 14, 2024 sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain a scrap tire transporter registration before transporting used and/or scrap tires, in violation of 30 TEX. ADMIN. CODE § 328.57(c)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers, in violation of TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE § 328.60(a).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed retain all manifests, work orders, and invoices showing the collection and disposition of all used or scrap tires and tire pieces for a period of at least three years, in violation of 30 TEX. ADMIN. CODE § 328.57(c)(2) and (d).
5. As evidenced by Finding of Fact No. 2.d., Respondent caused, suffered, allowed or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c).
6. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
7. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of \$28,851 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of \$28,851 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Steven Sutherlin; Docket No. 2023-1731-MSW-E" to:

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

3. Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, cease the unauthorized storing, transporting and disposing of any additional MSW and/or scrap tires at the Site until proper authorization is obtained.
  - b. Within 30 days after the effective date of this Order:
    - i. Remove the unauthorized MSW, including the construction waste, the wood pile, and buried MSW from the Site and dispose of it at an authorized facility; and
    - ii. Develop and implement procedures to ensure that copies of all scrap tire manifests, work orders and invoices are maintained for a period of three years, in accordance with 30 TEX. ADMIN. CODE § 328.58.
  - c. Within 75 days after the effective date of this Order, obtain a scrap tire transporter registration in accordance with 30 TEX. ADMIN. CODE § 328.55; and
  - d. In addition, within 75 days after the effective date of this Order, comply with either Ordering Provision No. 3.d.i. or Ordering Provision No. 3.d.ii:
    - i. Register the Site as a scrap tire storage site, in accordance with 30 TEX. ADMIN. CODE § 328.55; or
    - ii. Reduce the number of scrap tires being stored at the Site to less than 500 on the ground or less than 2,000 in enclosed and lockable containers.
  - e. Within 90 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. through 3.d. The certification will be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

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

and:

Waste Section Manager Dallas/Fort  
Worth Regional Office  
Texas Commission on Environmental Quality 2309  
Gravel Drive  
Fort Worth, Texas 76118-6951

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

---

For the Commission

---

Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF MARILYN A. NORROD

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Steven Sutherlin' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 26, 2024.

The EDPRP was mailed to Respondent's last known address on August 26, 2024, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on October 14, 2024.

The EDPRP was mailed to Respondent's last known address on October 14, 2024, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is Marilyn A. Norrod and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 17th day of April, 2025

A handwritten signature in black ink, appearing to read "Marilyn A. Norrod".

---

Declarant