

**Executive Summary – Enforcement Matter – Case No. 66927**  
**XPO Logistics Freight, Inc.**  
**RN102364965**  
**Docket No. 2024-1755-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

XPO Logistics Freight LDA, 5020 Calvert Street, Dallas, Dallas County

**Type of Operation:**

Large quantity generator of industrial and hazardous waste ("IHW")

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 22, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$105,000

**Amount Deferred for Expedited Settlement:** \$21,000

**Total Paid to General Revenue:** \$84,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**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 21, 2024

**Date(s) of NOE(s):** October 21, 2024

**Executive Summary – Enforcement Matter – Case No. 66927**  
**XPO Logistics Freight, Inc.**  
**RN102364965**  
**Docket No. 2024-1755-IHW-E**

***Violation Information***

1. Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Waste Management Unit ("WMU") 001 has an incorrect status for the Facility, WMU 002 and WMU 003 do not exist, Texas Waste Codes ("TWCs") 0018219H, 0020219H, 0033202H, 0037219H, 0044319H, 0046119H, 0054210H, 0055119H, 0062309H, 0066409H, 0092219H, 0094211H, 0095219H, 0096119H, 0097119H, 0098409H, 0099409H, 0101209H, 0111209H, 0112209H, 0113219H, and 0114110H had no current management units listed, TWCs 0047319H and 0061409H did not include off-site designations, TWC 0098409H included a D002 Environmental Protection Agency hazardous waste number but did not include D007, and the Facility had not updated the primary contact information to reflect current facility personnel [30 TEX. ADMIN. CODE § 335.6(b) and (c)(5)].

2. Failed to maintain land disposal restriction ("LDR") notification forms for hazardous waste ("HW") sent for treatment or disposal in the facility file. Specifically, the Respondent did not retain LDR notification forms for hazardous waste disposed in the past three years [30 TEX. ADMIN. CODE § 335.431(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 268.7(a)(8)].

3. Failed to include a TWC for each HW itemized on the manifest. Specifically, manifests 022488758JJK, 021834211JJK, 022820814JJK, 022820873JJK, 022826650JJK, 022820996JJK, 014961381FLE, 015944490FLE, 015947323FLE, 017102654FLE, 017102629FLE, 020025321JJK, 014963311FLE, 014963218FLE, 015944870FLE, 015944798FLE, and 015944582FLE either did not include a TWC or contained incorrect TWCs [30 TEX. ADMIN. CODE § 335.10(a)(1)].

4. Failed to maintain personnel training records. Specifically, a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW were not available for review at the time of the investigation [30 TEX. ADMIN. CODE § 335.53(f) and 40 CFR § 262.17(a)(7)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Update the NOR;

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**XPO Logistics Freight, Inc.**

**RN102364965**

**Docket No. 2024-1755-IHW-E**

- ii. Develop and implement a plan to retain LDR notification forms for each HW sent for treatment or disposal;
  - iii. Develop and implement procedures designed to ensure each HW itemized on a manifest includes a proper TWC;
  - iv. Amend the manifests noted with deficiencies to include proper TWCs and resubmit them to the Executive Director; and
  - v. Create and maintain a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Rachel Murray, Enforcement Division, Enforcement Team 3, MC R-05, (903) 535-5149; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

**Respondent:** Bradley S. Jacobs, Chairman, XPO Logistics Freight, Inc., P.O. Box 3745, Portland, Oregon 97208-3745

Gregory F. Pawelski, Vice President of Health and Safety, XPO Logistics Freight, Inc., P.O. Box 3745, Portland, Oregon 97208-3745

**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>	28-Oct-2024	<b>Screening</b>	28-Oct-2024	<b>EPA Due</b>	
	<b>PCW</b>	7-Nov-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	XPO Logistics Freight, Inc.				
<b>Reg. Ent. Ref. No.</b>	RN102364965				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66927	<b>No. of Violations</b>	4
<b>Docket No.</b>	2024-1755-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tiffany Chu
		<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>	\$100,000
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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>	5.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$5,000
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<b>Notes</b>	Enhancement for one NOV with same/similar violations.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$61	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$105,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>				
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<b>Final Penalty Amount</b>	\$105,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$105,000
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$21,000
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$84,000
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<b>Screening Date</b>	28-Oct-2024	<b>Docket No.</b>	2024-1755-IHW-E	<b>PCW</b>
<b>Respondent</b>	XPO Logistics Freight, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	66927			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102364965			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Tiffany Chu			

### 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> )	1	5%
	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)** 5%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 5%

<b>Screening Date</b>	28-Oct-2024	<b>Docket No.</b>	2024-1755-IHW-E	<b>PCW</b>																
<b>Respondent</b>	XPO Logistics Freight, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>																
<b>Case ID No.</b>	66927			<i>PCW Revision February 11, 2021</i>																
<b>Reg. Ent. Reference No.</b>	RN102364965																			
<b>Media</b>	Industrial and Hazardous Waste																			
<b>Enf. Coordinator</b>	Tiffany Chu																			
<b>Violation Number</b>	1																			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.6(b) and (c)(5)																			
<b>Violation Description</b>	<p>Failed to update the Facility's Notice of Registration ("NOR"). Specifically, Waste Management Unit ("WMU") 001 has an incorrect status for the Facility, WMU 002 and WMU 003 do not exist, Texas Waste Codes ("TWCs") 0018219H, 0020219H, 0033202H, 0037219H, 0044319H, 0046119H, 0054210H, 0055119H, 0062309H, 0066409H, 0092219H, 0094211H, 0095219H, 0096119H, 0097119H, 0098409H, 0099409H, 0101209H, 0111209H, 0112209H, 0113219H, and 0114110H had no current management units listed, TWCs 0047319H and 0061409H did not include off-site designations, TWC 0098409H included a D002 Environmental Protection Agency hazardous waste number but did not include D007, and the Facility had not updated the primary contact information to reflect current facility personnel.</p>																			
		<b>Base Penalty</b>	\$25,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="2" style="text-align:center;"><b>Harm</b></td> </tr> <tr> <td></td> <td style="text-align:center;">Major</td> <td style="text-align:center;">Minor</td> </tr> <tr> <td style="text-align:center;"><b>Release</b></td> <td></td> <td></td> </tr> <tr> <td style="text-align:center;">Actual</td> <td></td> <td></td> </tr> <tr> <td style="text-align:center;">Potential</td> <td></td> <td></td> </tr> </table>				<b>Harm</b>			Major	Minor	<b>Release</b>			Actual			Potential			<b>Percent</b>	0.0%
		<b>Harm</b>																		
		Major	Minor																	
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<b>&gt;&gt; Programmatic Matrix</b>																				
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	Major	Minor																		
<b>Falsification</b>																				
	x																			
<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	7	Number of violation days																
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daily																				
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annual																				
single event	x																			
	One single event is recommended.																			
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	\$0																
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	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.																		
	<b>Violation Subtotal</b>	\$5,000																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
	<b>Estimated EB Amount</b>	\$12	<b>Violation Final Penalty Total</b>	\$5,250																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$5,250																

# Economic Benefit Worksheet

**Respondent** XPO Logistics Freight, Inc.  
**Case ID No.** 66927  
**Reg. Ent. Reference No.** RN102364965  
**Media** Industrial and Hazardous 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
<b>Delayed Costs</b>							
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)	\$100	29-Feb-2024	24-Aug-2026	2.48	\$12	n/a	\$12
Notes for DELAYED costs	Estimated delayed cost to update the NOR. The Date Required is the initial investigation date and the Final Date is the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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			<b>TOTAL</b>		\$12	

<b>Screening Date</b>	28-Oct-2024	<b>Docket No.</b>	2024-1755-IHW-E	<b>PCW</b>	
<b>Respondent</b>	XPO Logistics Freight, Inc.				<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	66927				<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102364965				
<b>Media</b>	Industrial and Hazardous Waste				
<b>Enf. Coordinator</b>	Tiffany Chu				
<b>Violation Number</b>	2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.431(c) and 40 Code of Federal Regulations ("CFR") § 268.7(a)(8)				
<b>Violation Description</b>	Failed to maintain land disposal restriction ("LDR") notification forms for hazardous waste ("HW") sent for treatment or disposal in the facility file. Specifically, the Respondent did not retain LDR notification forms for HW disposed of in the past three years.				
		<b>Base Penalty</b>	\$25,000		

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 20.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**Adjustment** \$20,000

**Violation Subtotal** \$5,000

**Violation Events**

Number of Violation Events	1	Number of violation days	7	
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">daily</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">weekly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">monthly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">quarterly</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">semiannual</div> <div style="background-color: #e6f2ff; padding: 2px; margin-bottom: 2px;">annual</div> <div style="background-color: #e6f2ff; padding: 2px;">single event</div> </div>	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; margin-bottom: 2px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; text-align: center;">x</div> </div>		<b>Violation Base Penalty</b> \$5,000
	One single event is recommended.			

**Good Faith Efforts to Comply**

	<b>0.0%</b>	<b>Reduction</b>	\$0
	Before NOE/NOV    NOE/NOV to EDRP/Settlement Offer		
Extraordinary			
Ordinary			
N/A	x		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		

**Violation Subtotal** \$5,000

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$12	<b>Violation Final Penalty Total</b>	\$5,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$5,250	



Economic Benefit Worksheet

Respondent XPO Logistics Freight, Inc.  
Case ID No. 66927  
Reg. Ent. Reference No. RN102364965  
Media Industrial and Hazardous 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)	\$100	29-Feb-2024	24-Aug-2026	2.48	\$12	n/a	\$12
Notes for DELAYED costs	Estimated delayed cost to develop and implement a plan to retain LDR notification forms for each HW sent for treatment or disposal. The Date Required is the initial 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	\$12
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<b>Screening Date</b> 28-Oct-2024 <b>Respondent</b> XPO Logistics Freight, Inc. <b>Case ID No.</b> 66927 <b>Reg. Ent. Reference No.</b> RN102364965 <b>Media</b> Industrial and Hazardous Waste <b>Enf. Coordinator</b> Tiffany Chu	<b>Docket No.</b> 2024-1755-IHW-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>	3	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 335.10(a)(1)	
<b>Violation Description</b>	Failed to include a TWC for each HW itemized on the manifest. Specifically, manifests 022488758JJJK, 021834211JJJK, 022820814JJJK, 022820873JJJK, 022826650JJJK, 022820996JJJK, 014961381FLE, 015944490FLE, 015947323FLE, 017102654FLE, 017102629FLE, 020025321JJJK, 014963311FLE, 014963218FLE, 015944870FLE, 015944798FLE, and 015944582FLE either did not include a TWC or contained incorrect TWCs.		
<b>Base Penalty</b>		\$25,000	

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	Potential			
		0.0%			

**>> Programmatic Matrix**

<b>OR</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		x			
	0.0%				
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
<b>Adjustment</b>					\$20,000

	\$5,000
--	---------

**Violation Events**

Number of Violation Events	17		7	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
<b>Violation Base Penalty</b>				
\$85,000				
Seventeen single events are recommended (one for each incorrect manifest).				

**Good Faith Efforts to Comply**

	0.0%	
	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.	
<b>Violation Subtotal</b>		
\$85,000		

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$25	Violation Final Penalty Total
	\$89,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$89,250	

# Economic Benefit Worksheet

**Respondent** XPO Logistics Freight, Inc.  
**Case ID No.** 66927  
**Reg. Ent. Reference No.** RN102364965  
**Media** Industrial and Hazardous 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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## 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)	\$200	29-Feb-2024	24-Aug-2026	2.48	\$25	n/a	\$25
Notes for DELAYED costs	Estimated delayed cost to develop and implement procedures designed to ensure each HW itemized on a manifest includes a proper TWC (\$100) and cost to amend the manifests noted with deficiencies to include proper TWCs and resubmit them to the Executive Director (\$100). The Date Required is the initial 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 \$200

**TOTAL** \$25

<b>Screening Date</b> 28-Oct-2024 <b>Respondent</b> XPO Logistics Freight, Inc. <b>Case ID No.</b> 66927 <b>Reg. Ent. Reference No.</b> RN102364965 <b>Media</b> Industrial and Hazardous Waste <b>Enf. Coordinator</b> Tiffany Chu	<b>Docket No.</b> 2024-1755-IHW-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>	4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.53(f) and 40 CFR § 262.17(a)(7)		
<b>Violation Description</b>	Failed to maintain personnel training records. Specifically, a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW were not available for review at the time of the investigation.		
<b>Base Penalty</b>		\$25,000	

**>> 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"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="0.0%"/>

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="20.0%"/>
Greater than 70% of the rule requirement was not met.					
<b>Adjustment</b>					\$20,000

	\$5,000
--	---------

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="7"/>	Number of violation days
daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	x	
One single event is recommended.		

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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	x	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	
<b>Violation Subtotal</b>		\$5,000

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$12"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$5,250"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$5,250"/>	

# Economic Benefit Worksheet

**Respondent** XPO Logistics Freight, Inc.  
**Case ID No.** 66927  
**Reg. Ent. Reference No.** RN102364965  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	29-Feb-2024	24-Aug-2026	2.48	\$12	n/a	\$12
Notes for DELAYED costs	Estimated delayed cost to create and maintain a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW. The Date Required is the initial 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** \$12



# Compliance History Report

Compliance History Report for CN602411274, RN102364965, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602411274, XPO Logistics Freight, Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.90
<b>Regulated Entity:</b>	RN102364965, XPO LOGISTICS FREIGHT LDA	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.13
<b>Complexity Points:</b>	7	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	5020 CALVERT ST DALLAS, TX 75247-6002, DALLAS COUNTY				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				
<b>ID Number(s):</b>					
<b>PETROLEUM STORAGE TANK REGISTRATION</b>		<b>STORMWATER PERMIT</b>	TXR05R794		
REGISTRATION 19071					
<b>STORMWATER PERMIT</b>	TXR05GM69	<b>POLLUTION PREVENTION PLANNING ID NUMBER</b>			
		P11186			
<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE</b>		<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID</b>			
REGISTRATION # (SWR) 88804		TXR000079447			
<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b>	2024	<b>Rating Date:</b>	09/01/2024
<b>Date Compliance History Report Prepared:</b>	April 22, 2025				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	April 22, 2020 to April 22, 2025				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Tiffany Chu	<b>Phone:</b>	(817) 588-5891		

**Site and Owner/Operator History:**

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

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

<b>A. Final Orders, court judgments, and consent decrees:</b>	
N/A	
<b>B. Criminal convictions:</b>	
N/A	
<b>C. Chronic excessive emissions events:</b>	
N/A	
<b>D. The approval dates of investigations (CCEDS Inv. Track. No.):</b>	
Item 1	August 30, 2021 (1755136)
<b>E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):</b>	
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.	
1	Date: 04/26/2024 (1966992)
Self Report?	NO
Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(2)
Description:	Failure to submit a complete and correct Annual Waste Summary (AWS).
Self Report?	NO
Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.6(b)

30 TAC Chapter 335, SubChapter A 335.6(c)(5)

Description: Failure to update the Notice of Registration to reflect current waste generation and waste management.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)

Description: Failure to maintain a copy of the land disposal restriction notification sent with initial shipment of waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter Q 335.474

Description: Failure to maintain and provide a copy of the 5-year pollution prevention plan (P2) for review.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)

Description: Failure to include a proper Texas waste code on hazardous waste manifests.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.53(f)  
30 TAC Chapter 335, SubChapter C 335.61  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(6)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT M 262.262(a)

Description: Failure to submit the facility's contingency plan to all local emergency responders.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.53(f)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)

Description: Failure to provide a written description of the type and amount of training required for each job position that handles hazardous waste.

**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  
XPO LOGISTICS FREIGHT, INC.  
RN102364965

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2024-1755-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 XPO Logistics Freight, Inc. (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 large quantity generator of industrial and hazardous waste ("IHW") located at 5020 Calvert Street in Dallas, Dallas 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 \$105,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$84,000 of the penalty and \$21,000 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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.

## II. ALLEGATIONS

During a record review at the Facility conducted on October 21, 2024, an investigator documented that the Respondent:

1. Failed to update the Facility's Notice of Registration ("NOR"), in violation of 30 TEX. ADMIN. CODE § 335.6(b) and (c)(5). Specifically, Waste Management Unit ("WMU") 001 has an incorrect status for the Facility, WMU 002 and WMU 003 do not exist, Texas Waste Codes ("TWCs") 0018219H, 0020219H, 0033202H, 0037219H, 0044319H, 0046119H, 0054210H, 0055119H, 0062309H, 0066409H, 0092219H, 0094211H, 0095219H, 0096119H, 0097119H, 0098409H, 0099409H, 0101209H, 0111209H, 0112209H, 0113219H, and 0114110H had no current management units listed, TWCs 0047319H and 0061409H did not include off-site designations, TWC 0098409H included a D002 Environmental Protection Agency hazardous waste number but did not include D007, and the Facility had not updated the primary contact information to reflect current facility personnel.
2. Failed to maintain land disposal restriction ("LDR") notification forms for hazardous waste ("HW") sent for treatment or disposal in the facility file, in violation of 30 TEX. ADMIN. CODE § 335.431(c) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 268.7(a)(8). Specifically, the Respondent did not retain LDR notification forms for hazardous waste disposed in the past three years.
3. Failed to include a TWC for each HW itemized on the manifest, in violation of 30 TEX. ADMIN. CODE § 335.10(a)(1). Specifically, manifests 022488758JJK, 021834211JJK, 022820814JJK, 022820873JJK, 022826650JJK, 022820996JJK, 014961381FLE, 015944490FLE, 015947323FLE, 017102654FLE, 017102629FLE, 020025321JJK, 014963311FLE, 014963218FLE, 015944870FLE, 015944798FLE, and 015944582FLE either did not include a TWC or contained incorrect TWCs.
4. Failed to maintain personnel training records, in violation of 30 TEX. ADMIN. CODE § 335.53(f) and 40 CFR § 262.17(a)(7). Specifically, a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW were not available for review at the time of the investigation.

### 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: XPO Logistics Freight, Inc., Docket No. 2024-1755-IHW-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Update the NOR, in accordance with 30 TEX. ADMIN. CODE § 335.6;
    - ii. Develop and implement a plan to retain LDR notification forms for each HW sent for treatment or disposal, in accordance with 30 TEX. ADMIN. CODE § 335.431 and 40 CFR § 268.7;
    - iii. Develop and implement procedures designed to ensure each HW itemized on a manifest includes a proper TWC, in accordance with 30 TEX. ADMIN. CODE § 335.10;
    - iv. Amend the manifests noted with deficiencies to include proper TWCs and resubmit them to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 335.10; and
    - v. Create and maintain a list of specific job titles that handle HW and a list of the type and amount of training required for each position that handles HW, in accordance with 30 TEX. ADMIN. CODE § 335.53 and 40 CFR § 262.17.
  - b. Within 45 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 No. 2.a. The certification shall 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon 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.
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 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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.
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 Melo-Jurack*  
-----  
For the Executive Director

*09/30/2025*  
-----  
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.

*[Signature]*  
-----  
Signature

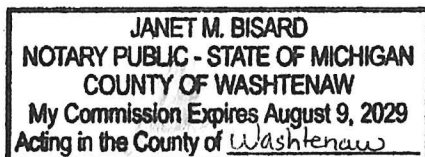
*[Signature]*  
-----  
Date

*Gregory F. Pawlowski*  
-----

Name (Printed or typed)  
Authorized Representative of  
XPO Logistics Freight, Inc.

*Vice President Health & Safety*  
-----  
Title

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



*Janet M. Bisard*  
*Janet M. Bisard*  
*6/14/2025*

**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.