

Executive Summary – Enforcement Matter – Case No. 64885

Mitch Calvert

RN110942802

Docket No. 2025-0377-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

15599 U.S. Highway 277 South, Christoval, Tom Green County

Type of Operation:

Salvage yard

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

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

Texas Register Publication Date: August 15, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,225

Amount Deferred for Expedited Settlement: \$3,645

Total Paid to General Revenue: \$14,580

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): May 31, 2022

Complaint Information: Alleged the Respondent was dumping oil, gasoline, antifreeze and other chemicals and tilling the ground.

Date(s) of Investigation: June 30, 2022

Date(s) of NOE(s): October 24, 2022

Executive Summary – Enforcement Matter – Case No. 64885

Mitch Calvert

RN110942802

Docket No. 2025-0377-MSW-E

Violation Information

1. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste (“MSW”). Specifically, approximately 350 cubic yards of soil contained dark staining next to the hydraulic car crusher and in areas surrounding the hydraulic car crusher. Also, three soil samples were taken in the area near and adjacent to the hydraulic car crusher, and the samples exceeded residential protective concentration levels for lead [30 TEX. ADMIN. CODE § 330.15(a) and (c)].
2. Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, four 5-gallon buckets that were observed to be storing used oil were not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS § 279.22(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease any additional discharges of MSW at the Site.
- b. Within 30 days:
 - i. Remove all contaminated soil from the Site and dispose of it at an authorized facility; and
 - ii. Label all used oil containers with the words "Used Oil".
- c. Within 45 days, submit written certification to demonstrate compliance with a. and b.
- d. Within 60 days, conduct an investigation to determine whether response actions at the Site are necessary under the Texas Risk Reduction Program (“TRRP”) and submit the investigation results to the Executive Director (“ED”).
- e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the investigation results within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.

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Docket No. 2025-0377-MSW-E

f. If the ED determines that response actions are necessary, within 120 days the Respondent shall submit, by the deadline prescribed by the ED, an Affected Property Assessment Report ("APAR").

g. If the ED determines that the APAR indicates that additional response actions are necessary, within 150 days the Respondent shall comply with, and perform, all applicable requirements of TRRP.

h. Within 180 days, submit written certification to demonstrate compliance with d. through g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Adriana Fuentes, Enforcement Division, Enforcement Team 6, MC R-15, (956) 430-6057; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Mitchel Floyd Calvert, Owner, 15599 U.S. Highway 277 South, Christoval, Texas 76935

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Oct-2022	Screening	19-Sep-2023	EPA Due	
	PCW	7-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Mitch Calvert (PCW No. 1 of 2)
Reg. Ent. Ref. No.	RN110942802
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64885	No. of Violations	1
Docket No.	2025-0377-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Adriana Fuentes
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,875
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,602	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$16,605	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$16,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,875
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,375
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$13,500
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Screening Date	19-Sep-2023	Docket No.	2025-0377-MSW-E	PCW
Respondent	Mitch Calvert (PCW No. 1 of 2)	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	64885	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN110942802			
Media	Municipal Solid Waste			
Enf. Coordinator	Adriana Fuentes			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 19-Sep-2023 Respondent Mitch Calvert (PCW No. 1 of 2) Case ID No. 64885 Reg. Ent. Reference No. RN110942802 Media Municipal Solid Waste Enf. Coordinator Adriana Fuentes Violation Number 1	Docket No. 2025-0377-MSW-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code § 330.15(a) and (c)
Violation Description	Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 350 cubic yards of soil contained dark staining next to the hydraulic car crusher and in areas surrounding the hydraulic car crusher. Also, three soil samples were taken in the area near and adjacent to the hydraulic car crusher, and the samples exceeded residential protective concentration levels for lead.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm	Major	Moderate	Minor	
		Actual			x		
		Potential					
						Percent	25.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$18,750
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	\$6,250
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Violation Events

Number of Violation Events	3	446	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual	x	
	annual		
	single event		
Violation Base Penalty			\$18,750

Three semiannual events are recommended from the June 30, 2022 investigation date to the September 19, 2023 screening date.

Good Faith Efforts to Comply

	0.0%	
	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.	
Violation Subtotal		\$18,750

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2,602
	Violation Final Penalty Total
	\$16,875
This violation Final Assessed Penalty (adjusted for limits)	
\$16,875	

Economic Benefit Worksheet

Respondent Mitch Calvert (PCW No. 1 of 2)
Case ID No. 64885
Reg. Ent. Reference No. RN110942802
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$6,605	30-Jun-2022	17-Aug-2025	3.13	\$1,035	n/a	\$1,035
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2022	17-Aug-2025	3.13	\$1,567	n/a	\$1,567
Notes for DELAYED costs	Estimated delayed cost to properly remove all contaminated soil from the Site and dispose of it at an authorized facility (\$6,605) and to submit a report demonstrating the applicability of the Texas Risk Reduction Program ("TRRP") to the Executive Director and to comply with all applicable requirements of TRRP (\$10,000). The Dates Required are the investigation date and the Final Dates are 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 \$16,605

TOTAL \$2,602



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Oct-2022	Screening	19-Sep-2023	EPA Due	
	PCW	7-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Mitch Calvert (PCW No. 2 of 2)
Reg. Ent. Ref. No.	RN110942802
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64885	No. of Violations	1
Docket No.	2025-0377-MSW-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Adriana Fuentes
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$150
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$20	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,350
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DEFERRAL	20.0%	Reduction	Adjustment	-\$270
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$1,080
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Screening Date	19-Sep-2023	Docket No.	2025-0377-MSW-E	PCW
Respondent	Mitch Calvert (PCW No. 2 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64885			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN110942802			
Media	Used Oil			
Enf. Coordinator	Adriana Fuentes			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 19-Sep-2023 Respondent Mitch Calvert (PCW No. 2 of 2) Case ID No. 64885 Reg. Ent. Reference No. RN110942802 Media Used Oil Enf. Coordinator Adriana Fuentes	Docket No. 2025-0377-MSW-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations § 279.22(c)(1)	
Violation Description		Failed to label or clearly mark containers used to store used oil with the words "Used Oil". Specifically, four 5-gallon buckets that were observed to be storing used oil were not labeled with the words "Used Oil".	

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm					
	Release	Major	Moderate	Minor			
	Actual						
	Potential						
					Percent	0.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			
					Percent
					10.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$4,500
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	\$500
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Violation Events

Number of Violation Events	3	446	Number of violation days
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	daily					
	weekly					
	monthly					
	quarterly					
	semiannual	x				
	annual					
	single event					

Violation Base Penalty	\$1,500
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Three semiannual events are recommended from the June 30, 2022 investigation date to the September 19, 2023 screening date.

Good Faith Efforts to Comply

	0.0%	
		Reduction
		\$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.
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Violation Subtotal	\$1,500
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$3
Violation Final Penalty Total	\$1,350
This violation Final Assessed Penalty (adjusted for limits)	
\$1,350	

Economic Benefit Worksheet

Respondent Mitch Calvert (PCW No. 2 of 2)
Case ID No. 64885
Reg. Ent. Reference No. RN110942802
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20	30-Jun-2022	17-Aug-2025	3.13	\$3	n/a	\$3
Notes for DELAYED costs	Estimated cost to mark or clearly label all used oil containers with the words "Used Oil" (\$20, \$5 per container). 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 \$20

TOTAL \$3

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN603707969, RN110942802, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN603707969, Mitch Calvert	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN110942802, 15599 United States Highway 277 South	Classification: HIGH	Rating: 0.00
Complexity Points:	0	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	15599 United States Highway 277 South in Christoval, Tom Green County, Texas 76935 3203		
TCEQ Region:	REGION 08 - SAN ANGELO		
ID Number(s):			
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER	R08110942802		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year: 2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared:	March 17, 2025		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	March 07, 2020 to March 07, 2025		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Adriana Fuentes		Phone: (956) 430-6057

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MITCH CALVERT
RN110942802

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

AGREED ORDER DOCKET NO. 2025-0377-MSW-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 Mitch Calvert (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 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 salvage yard located at 15599 United States Highway 277 South in Christoval, Tom Green County, Texas (the "Site"). The Site involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
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 chs. 361 and 371 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 \$18,225 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,580 of the penalty and \$3,645 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 an investigation at the Site conducted on June 30, 2022, an investigator documented that the Respondent:

1. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately 350 cubic yards of soil contained dark staining next to the hydraulic car crusher and in areas surrounding the hydraulic car crusher. Also, three soil samples were taken in the area near and adjacent to the hydraulic car crusher, and the samples exceeded residential protective concentration levels for lead.
2. Failed to label or clearly mark containers used to store used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(c)(1). Specifically, four 5-gallon buckets that were observed to be storing used oil were not labeled with the words "Used Oil".

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: Mitch Calvert, Docket No. 2025-0377-MSW-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. Immediately upon the effective date of this Order, cease any additional discharges of MSW at the Site.
 - b. Within 30 days after the effective date of this Order:
 - i. Remove all contaminated soil from the Site and dispose of it at an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 330.15; and
 - ii. Label all used oil containers with the words "Used Oil", in accordance with 30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22.
 - c. 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 Nos. 2.a and 2.b, in accordance with Ordering Provision No. 2.h below.
 - d. Within 60 days after the effective date of this Order, conduct an investigation to determine whether response actions at the Site are necessary under the Texas Risk Reduction Program ("TRRP"), 30 TEX. ADMIN. CODE ch. 350, and submit the investigation results to the Executive Director, via the Enforcement Division, to the address listed in Ordering Provision No. 2.h. The investigation results shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by the Respondent, and shall include the certification language found in Ordering Provision No. 2.h.
 - e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the investigation results within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.
 - f. If the Executive Director determines that response actions pursuant to 30 TEX. ADMIN. CODE ch. 350 are necessary, within 120 days the Respondent shall submit, by the deadline prescribed by the Executive Director, an Affected Property Assessment Report ("APAR"), pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Enforcement Division at the address listed in Ordering Provision No. 2.h, and to any additional addresses as directed by the Executive Director.
 - g. If the Executive Director determines that the APAR indicates that additional response actions are necessary, within 150 days the Respondent shall comply with, and perform, all applicable requirements of TRRP, which may include plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and institutional controls under Subchapter F (30 TEX. ADMIN. CODE § 350.111).
 - h. Within 180 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. 2.d through 2.g. 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
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

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 Site 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



For the Executive Director

Date

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

Mitchell Flagg Calvert

Name (Printed or typed)

Authorized Representative of

Mitch Calvert

6-23-25
Date

OWNER
Title

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