

Executive Summary - Enforcement Matter - Case No. 67995
TOR Texas, LLC dba Organic Recycler Hutchins
RN105575948
Docket No. 2025-1638-MSW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Organic Recycler Hutchins, 2600 Post Oak Road, Hutchins, Dallas County

Type of Operation:

Recycling facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

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

Texas Register Publication Date: January 30, 2026

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,418

Amount Deferred for Expedited Settlement: \$4,283

Total Paid to General Revenue: \$17,135

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): October 8, 2024 and January 8, 2025

Complaint Information: Alleged the Respondent was accepting unauthorized waste for financial gain and operating out of compliance.

Date(s) of Investigation: November 1, 2024

Date(s) of NOE(s): June 6, 2025

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Violation Information

1. Failed to maintain recycling records to show compliance with the requirements for limitations on storage of recyclable materials and reasonable efforts to maintain source separation of materials received by the Facility. Specifically, the Respondent did not maintain complete records for the turnover rates of each material processed at the Facility, as well as the records for the amounts of incidental non-recyclable waste accepted per load [30 TEX. ADMIN. CODE §§ 328.4(b)(3) and 328.5(f)(1) and (f)(2)(D)].
2. Failed to report any updates or changes to information contained in the Facility report within 90 days of the effective date of the change. Specifically, the Facility's Notice of Intent ("NOI") was not updated to reflect that liquid recyclables such as beer and wine had been accepted at the Facility, and the on-site composting operations differed from the composting process description listed in the NOI [30 TEX. ADMIN. CODE § 328.5(b)(4) and (f)(3)].
3. Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed and unprocessed combustible materials stored outdoors [30 TEX. ADMIN. CODE § 328.5(c)(2)].
4. Failed to establish and maintain financial assurance for closure of a facility that stores combustible materials outdoors. Specifically, the financial assurance provided in the NOI issued on April 25, 2016, listed the maximum amount of combustible materials stored outdoors as 40,000 cubic yards; however, approximately 121,741 cubic yards of combustible material, including 22 windows of compost material, 13 piles of various materials, including compost and mulch, were being stored outdoors at the time of the investigation [30 TEX. ADMIN. CODE §§ 37.141, 37.921(a), and 328.5(d) and (f)(3)].
5. Failed to ensure that scrap tires or scrap tire pieces are transported by a registered transporter to an authorized facility. Specifically, the Respondent transported six scrap tires to an unauthorized facility [30 TEX. ADMIN. CODE § 328.56(b)].
6. Caused, suffered, allowed or permitted the unauthorized disposal of MSW. Specifically, approximately 50 scrap tires were observed comingled in earthen berms and partially buried throughout the Facility. Additionally, the Respondent disposed of six scrap tires at an unauthorized facility [30 TEX. ADMIN. CODE § 330.15(a) and (c) and TEX. WATER CODE § 26.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

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- a. Developed and implemented procedures to ensure all scrap tires and scrap tire pieces are transported by a registered transporter to an authorized facility by July 1, 2025;
- b. Provided a written cost estimate for the combustible materials stored at the Facility and obtained acceptable financial assurance to commensurate with the cost of closure for the Facility on October 8, 2025;
- c. Updated the Facility's NOI with changes to the material accepted at the Facility and changes to the composting process by October 8, 2025; and
- d. Began maintaining records relating to the turnover of all recyclable material, including food and liquid waste, and records of the source separation of incidental non-recyclable waste received by the Facility by October 3, 2025.

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease storing additional unauthorized MSW, including scrap tires, at the Facility;
- b. Within 30 days, remove all unauthorized MSW, including scrap tires, from the Facility and dispose of it at an authorized facility; and
- c. Within 45 days, submit written certification to demonstrate compliance with a. and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Celicia Garza, Enforcement Division, Enforcement Team 6, MC R-13, (210) 657-8422; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

Respondent: Timothy Sansone, Managing Partner, TOR Texas, LLC dba Organic Recycler Hutchins, 309 West 7th Street, Suite 1100, Fort Worth, Texas 76102-5113

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Jun-2025	Screening	12-Jun-2025	EPA Due	
	PCW	30-Jan-2026				

RESPONDENT/FACILITY INFORMATION	
Respondent	TOR Texas, LLC dba Organic Recycler Hutchins
Reg. Ent. Ref. No.	RN105575948
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	67995	No. of Violations	5
Docket No.	2025-1638-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Celicia Garza
		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	\$15,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for Compliance History.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$825
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$7,027	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$17,501	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,925
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OTHER FACTORS AS JUSTICE MAY REQUIRE	43.5% Adjustment	\$6,493
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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. 5.
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Final Penalty Amount	\$21,418
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,418
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DEFERRAL	20.0% Reduction Adjustment	-\$4,283
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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	\$17,135
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Screening Date 12-Jun-2025

Docket No. 2025-1638-MSW-E

PCW

Respondent TOR Texas, LLC dba Organic Recycler Hutchins

Policy Revision 5 (January 28, 2021)

Case ID No. 67995

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105575948

Media Municipal Solid Waste

Enf. Coordinator Celicia Garza

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)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 12-Jun-2025

Docket No. 2025-1638-MSW-E

PCW

Respondent TOR Texas, LLC dba Organic Recycler Hutchins

Policy Revision 5 (January 28, 2021)

Case ID No. 67995

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105575948

Media Municipal Solid Waste

Enf. Coordinator Celicia Garza

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 328.4(b)(3) and 328.5(f)(1) and (f)(2)(D)

Violation Description Failed to maintain recycling records to show compliance with the requirements for limitations on storage of recyclable materials and reasonable efforts to maintain source separation of materials received by the Facility. Specifically, the Respondent did not maintain complete records for the turnover rates of each material processed at the Facility, as well as the records for the amounts of incidental non-recyclable waste accepted per load.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 223

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$250

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

Notes The Respondent came into compliance on October 3, 2025, after the June 6, 2025 Notice of Enforcement ("NOE").

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,229

This violation Final Assessed Penalty (adjusted for limits) \$3,229

Economic Benefit Worksheet

Respondent TOR Texas, LLC dba Organic Recycler Hutchins
Case ID No. 67995
Reg. Ent. Reference No. RN105575948
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	\$90	1-Nov-2024	3-Oct-2025	0.92	\$4	n/a	\$4
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 begin maintaining records relating to the turnover of all recyclable materials, including the food and liquid waste, and records of the source separation of incidental non-recyclable waste received by the Facility (\$45 per record). The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$90

TOTAL \$4

Screening Date 12-Jun-2025 **Docket No.** 2025-1638-MSW-E **PCW**
Respondent TOR Texas, LLC dba Organic Recycler Hutchins *Policy Revision 5 (January 28, 2021)*
Case ID No. 67995 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Enf. Coordinator Celia Garza

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 328.5(b)(4) and (f)(3)
Violation Description Failed to report any updates or changes to information contained in the Facility report within 90 days of the effective date of the change. Specifically, the Facility's Notice of Intent ("NOI") was not updated to reflect that liquid recyclables such as beer and wine had been accepted at the Facility, and the on-site composting operations differed from the composting process description listed in the NOI.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%
100% of the rule requirement was not met.					

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 223 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$250

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

Notes: The Respondent came into compliance on October 8, 2025, after the June 6, 2025 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$5 **Violation Final Penalty Total** \$3,229

This violation Final Assessed Penalty (adjusted for limits) \$3,229

Economic Benefit Worksheet

Respondent TOR Texas, LLC dba Organic Recycler Hutchins
Case ID No. 67995
Reg. Ent. Reference No. RN105575948
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	\$100	1-Nov-2024	8-Oct-2025	0.93	\$5	n/a	\$5
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to update the Facility's NOI with any changes to the materials accepted at the Facility as well as any changes to the composting process. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date	12-Jun-2025	Docket No.	2025-1638-MSW-E	PCW		
Respondent	TOR Texas, LLC dba Organic Recycler Hutchins				<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	67995				<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No.	RN105575948					
Media	Municipal Solid Waste					
Enf. Coordinator	Cecilia Garza					
Violation Number	3					
Rule Cite(s)	30 Tex. Admin. Code § 328.56(b)					
Violation Description	Failed to ensure that scrap tires or scrap tire pieces are transported by a registered transporter to an authorized facility. Specifically, the Respondent transported six scrap tires to an unauthorized facility.					
				Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x	Percent	3.0%
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
					Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
				Adjustment	\$24,250	
					\$750	
Violation Events						
	Number of Violation Events	1		223	Number of violation days	
	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event			x		
				Violation Base Penalty	\$750	
	One single event is recommended.					
Good Faith Efforts to Comply						
		10.0%		Reduction	\$75	
		Before NOE/NOV	NOE/NOV to EDCRP/Settlement Offer			
	Extraordinary					
	Ordinary		x			
	N/A					
	Notes	The Respondent came into compliance on July 1, 2025, after the June 6, 2025 NOE.				
				Violation Subtotal	\$675	
Economic Benefit (EB) for this violation						
				Statutory Limit Test		
	Estimated EB Amount	\$3		Violation Final Penalty Total	\$969	
				This violation Final Assessed Penalty (adjusted for limits)	\$969	

Economic Benefit Worksheet

Respondent TOR Texas, LLC dba Organic Recycler Hutchins
Case ID No. 67995
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Nov-2024	1-Jul-2025	0.66	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures to ensure all scrap tires are transported by a registered transporter to an authorized facility. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 12-Jun-2025 **Docket No.** 2025-1638-MSW-E **PCW**
Respondent TOR Texas, LLC dba Organic Recycler Hutchins *Policy Revision 5 (January 28, 2021)*
Case ID No. 67995 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Enf. Coordinator Celicia Garza

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 330.15(a) and (c) and Tex. Water Code § 26.121(a)
Violation Description Caused, suffered, allowed or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 50 scrap tires were observed comingled in earthen berms and partially buried through the Facility. Additionally, the Respondent disposed of six scrap tires at an unauthorized facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 223 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended from the November 1, 2024 investigation date to the June 12, 2025 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$22 **Violation Final Penalty Total** \$10,763

This violation Final Assessed Penalty (adjusted for limits) \$10,763

Economic Benefit Worksheet

Respondent TOR Texas, LLC dba Organic Recycler Hutchins
Case ID No. 67995
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$250	1-Nov-2024	17-Aug-2026	1.79	\$22	n/a	\$22
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to remove the scrap tires and dispose of them at an authorized facility (\$5 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

\$250

TOTAL

\$22

Screening Date 12-Jun-2025 **Docket No.** 2025-1638-MSW-E **PCW**
Respondent TOR Texas, LLC dba Organic Recycler Hutchins *Policy Revision 5 (January 28, 2021)*
Case ID No. 67995 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Enf. Coordinator Celia Garza

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 37.141, 37.921(a), and 328.5(c)(2), (d), and (f)(3)

Violation Description

Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed and unprocessed combustible materials stored outdoors. In addition, failed to establish and maintain financial assurance for closure of a facility that stores combustible materials outdoors. Specifically, the financial assurance provided in the NOI issued on April 25, 2016, listed the maximum amount of combustible materials stored outdoors as 40,000 cubic yards; however, approximately 121,741 cubic yards of combustible material, including 22 windrows of compost material, 13 piles of various materials, including compost and mulch, were being stored outdoors at the time of the investigation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent 0.0%
		Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent 10.0%
		x			

100% of the rule requirement was not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 223 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$250

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

Notes The Respondent came into compliance on October 8, 2025, after the June 6, 2025 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$6,993 **Violation Final Penalty Total** \$3,229

This violation Final Assessed Penalty (adjusted for limits) \$3,229

Economic Benefit Worksheet

Respondent TOR Texas, LLC dba Organic Recycler Hutchins
Case ID No. 67995
Reg. Ent. Reference No. RN105575948
Media Municipal Solid Waste
Violation No. 5

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
Financial Assurance	\$10,218	1-Nov-2024	8-Oct-2025	0.93	\$477	n/a	\$477
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Nov-2024	8-Oct-2025	0.93	\$23	n/a	\$23

Notes for DELAYED costs

Estimated delayed cost to update the NOI's cost closure estimate to accurately reflect the current storage and management of combustible material stored outdoors at the Facility (\$500), and to provide financial assurance for the additional 81,741 cubic yards of combustible material stored outdoors at the Facility (\$10,218). The Dates Required are the investigation date and the Final Dates are the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance	\$10,218	1-Nov-2024	12-Jun-2025	0.61	\$250	\$6,243	\$6,493
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for the additional 81,741 cubic yards of combustible material stored outdoors at the Facility. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance \$16,961

TOTAL \$6,993

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 CN605757483, RN105575948, Rating Year 2025 which includes Compliance History (CH) components from September 1, 2020, through August 31, 2025.

Customer, Respondent, or Owner/Operator: CN605757483, TOR Texas, LLLC **Classification:** SATISFACTORY **Rating:** 1.38

Regulated Entity: RN105575948, Organic Recycler Hutchins **Classification:** HIGH **Rating:** 0.00

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 11 - Waste Management (Excluding Landfills)

Location: 2600 Post Oak Road in Hutchins, Dallas County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR QUALITY NON PERMITTED ID NUMBER
R04105575948

MUNICIPAL SOLID WASTE PROCESSING
REGISTRATION 47052

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) T3242

STORMWATER PERMIT TXR05FR58

Compliance History Period: September 01, 2020 to August 31, 2025 **Rating Year:** 2025 **Rating Date:** 09/01/2025

Date Compliance History Report Prepared: October 20, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 20, 2020 to October 20, 2025

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

Name: Celia A. Garza

Phone: (210) 657-8422

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.):

Item 4 September 30, 2024 (2053272)

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:

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
TOR TEXAS, LLC DBA ORGANIC
RECYCLER HUTCHINS
RN105575948

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2025-1638-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 TOR Texas, LLC dba Organic Recycler Hutchins (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns a recycling facility located at 2600 Post Oak Road in Hutchins, Dallas County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste ("MSW"), including scrap tires, 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, TEX. WATER CODE ch. 26, 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 \$21,418 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,135 of the penalty and \$4,283 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Developed and implemented procedures to ensure all scrap tires and scrap tire pieces are transported by a registered transporter to an authorized facility by July 1, 2025;
 - b. Provided a written cost estimate for the combustible materials stored at the Facility and obtained acceptable financial assurance to commensurate with the cost of closure for the Facility on October 8, 2025;
 - c. Updated the Facility's Notice of Intent ("NOI") with changes to the material accepted at the Facility and changes to the composting process by October 8, 2025; and
 - d. Began maintaining records relating to the turnover of all recyclable material, including food and liquid waste, and records of the source separation of incidental non-recyclable waste received by the Facility by October 3, 2025.

II. ALLEGATIONS

During an investigation at the Facility conducted on November 1, 2024, an investigator documented that the Respondent:

1. Failed to maintain recycling records to show compliance with the requirements for limitations on storage of recyclable materials and reasonable efforts to maintain source separation of materials received by the Facility, in violation of 30 TEX. ADMIN. CODE §§ 328.4(b)(3) and 328.5(f)(1) and (f)(2)(D). Specifically, the Respondent did not maintain complete records for the turnover rates of each material processed at the Facility, as well as the records for the amounts of incidental non-recyclable waste accepted per load.
2. Failed to report any updates or changes to information contained in the Facility report within 90 days of the effective date of the change, in violation of 30 TEX. ADMIN. CODE § 328.5(b)(4) and (f)(3). Specifically, the Facility's NOI was not updated to reflect that liquid recyclables such as beer and wine had been accepted at the Facility, and the on-

site composting operations differed from the composting process description listed in the NOI.

3. Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed and unprocessed combustible materials stored outdoors, in violation of 30 TEX. ADMIN. CODE § 328.5(c)(2).
4. Failed to establish and maintain financial assurance for closure of a facility that stores combustible materials outdoors, in violation of 30 TEX. ADMIN. CODE §§ 37.141, 37.921(a), and 328.5(d) and (f)(3). Specifically, the financial assurance provided in the NOI issued on April 25, 2016, listed the maximum amount of combustible materials stored outdoors as 40,000 cubic yards; however, approximately 121,741 cubic yards of combustible material, including 22 windrows of compost material, 13 piles of various materials, including compost and mulch, were being stored outdoors at the time of the investigation.
5. Failed to ensure that scrap tires or scrap tire pieces are transported by a registered transporter to an authorized facility, in violation of 30 TEX. ADMIN. CODE § 328.56(b). Specifically, the Respondent transported six scrap tires to an unauthorized facility.
6. Caused, suffered, allowed or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c) and TEX. WATER CODE § 26.121(a). Specifically, approximately 50 scrap tires were observed comingled in earthen berms and partially buried throughout the Facility. Additionally, the Respondent disposed of six scrap tires at an unauthorized facility.

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: TOR Texas, LLC dba Organic Recycler Hutchins, Docket No. 2025-1638-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 storing additional unauthorized MSW, including scrap tires, at the Facility.

- b. Within 30 days after the effective date of this Order, remove all unauthorized MSW, including scrap tires, from the Facility and dispose of it at an authorized facility.
- 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. 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 Mello-Jurack

02/27/2026

For the Executive Director

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.

Tim Sansone

Signature

12/23/25

Date

Tim Sansone

Name (Printed or typed)

Managing Partner

Title

Authorized Representative of
TOR Texas, LLC dba Organic Recycler Hutchins

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.