

From: [Susan Jablonski](#)
To: [REDACTED]
Cc: [OCE](#); [Ramiro Garcia](#); [REDACTED]; [REDACTED]; [Michelle Harris](#); [Rosalind Stockton](#); [David Van Soest](#); [Elijah Gandee](#)
Subject: RE: Enforcement Discretion Response - Apple's Austin Facility, MSW Number 100525
Date: Monday, May 11, 2020 4:20:08 PM

Mr. Patrick Wieler
Operations Environmental Initiatives - Recycling Innovation
Apple Inc.
5505 W Parmer Lane
MS 578-IEI
Austin, Texas 78727

Dear Mr. Wieler:

This is in response to your request received on May 6, 2020, and subsequent May 8, 2020 clarification, for enforcement discretion regarding the Limitations on Storage of Recyclable Materials found in Title 30, Texas Administrative Code (TAC), §328.4(b)(3). The Texas Commission on Environmental Quality (TCEQ) is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing impacts due to the COVID-19 pandemic.

Your request indicated Apple's Austin Facility will not be able to meet recycling rate requirements for two six-month periods from January through June 2020, and July through December 2020. This shortfall is due to the reduction of operational personnel and cessation of recycling activity on March 28, 2020, to adhere with local shelter-in-place orders and Centers for Disease Control and Prevention guidelines.

The reductions and impacts you outlined in your request are issues the TCEQ would consider granting enforcement discretion. Due to the limited availability of staff and protection of staff, your request for discretion is approved.

The TCEQ will exercise enforcement discretion for the two six month periods ending June 2020 and December 2020 regarding the requirements found in 30 TAC §328.4(b)(3). Please remember to maintain all appropriate records during this time and when recycling activities are resumed.

If you have any questions on this response, please feel free to contact Elijah Gandee, Air and Waste Section Manager for TCEQ Austin Region 11 at Elijah.Gandee@tceq.texas.gov or (512) 239-7035.

Sincerely,

Susan Jablonski, P.E.
Area Director for Central Texas
Texas Commission on Environmental Quality
(512) 239-6731

Begin forwarded message:

From: Patrick Wieler <[REDACTED]>
Date: May 6, 2020 at 12:04:14 PM CDT
To: Ramiro Garcia <Ramiro.Garcia@tceq.texas.gov>, OCE <OCE@tceq.texas.gov>
Cc: Debra Rubenstein <[REDACTED]> Dani Sattman
<[REDACTED]>
Subject: Enforcement Discretion Request MSW Number 100525

To whom it may concern,

Due to the impact on our operation from the COVID-19 pandemic, we are requesting enforcement discretion for the Recycling Operation with MSW Number 100525 operated by Apple Inc. (RN 100581289) pursuant to 30 TAC Chapter 328.

According to 30 TAC §328.4 (b)(3), recyclable material may be accumulated or stored at a recycling facility only under the following conditions:

...

(3) during each subsequent six-month period, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 50% by weight or volume of the material accumulated at the beginning of the period.

The relevant facts pertaining to the impact on our operations are as follow:

- The number of operational personnel was reduced starting on March 14th per Apple Inc. internal guidance
- The recycling operation was completely shut down effective March 28th to align with the guidance of the local shelter in place order
- This operational shut down has resulted in no materials being processed for recycling since March 28th

Due to these circumstances, we anticipate that we will not being able to meet the 50% processing requirements of 30 TAC §328.4 (b)(3) through the end of September 2020 and therefore respectfully request enforcement discretion.

To minimize the impact during the operational shut down, we have put a hold on incoming shipments of recyclable material to our operation during this shut down.

Should you have any questions or require additional information about this request, please let me know.

Sincerely,

Patrick Wieler
Operations Environmental Initiatives - Recycling Innovation | Apple Inc.
USA: +1 (408) 858-2447
5505 W Parmer Lane, MS 578-IEI, Austin, TX 78727

