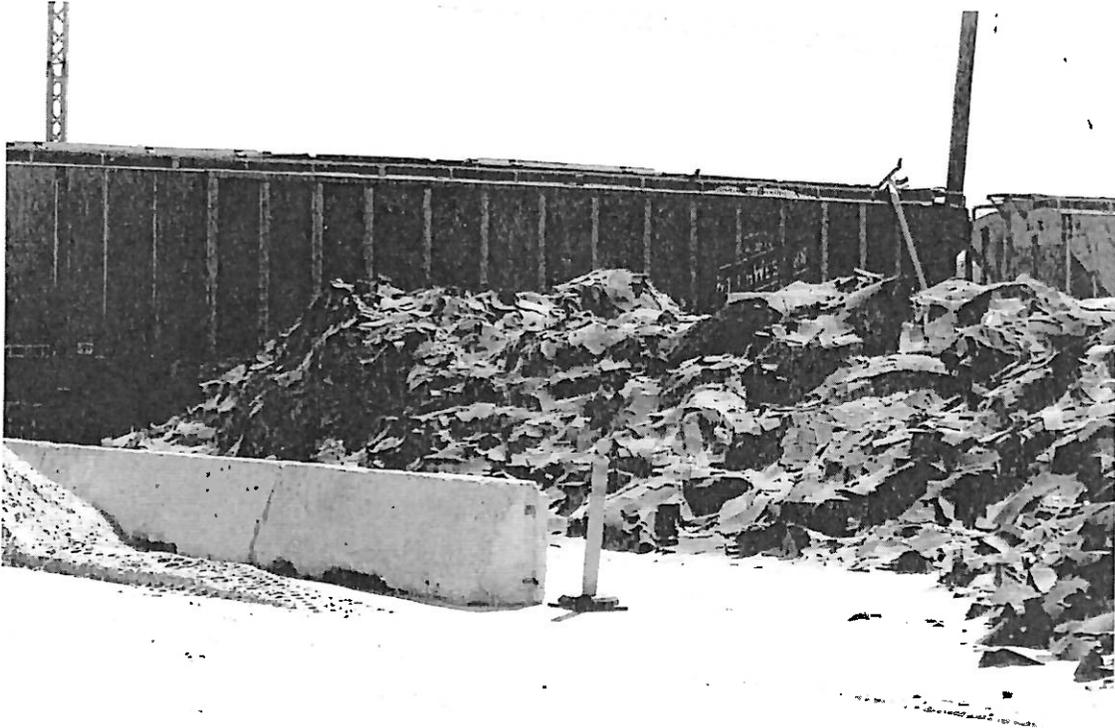
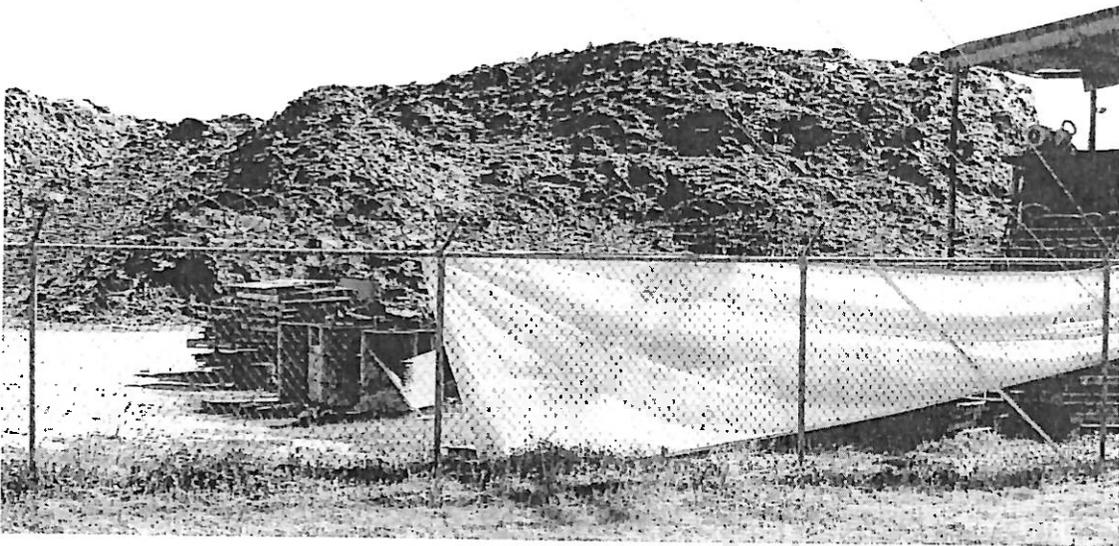


**Howard Brand's Illegal Asphalt Shingle "recycling" sites**

Tayman Street, TX



Donop Road, TX



Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 28, 2019

Via Certified Mail, Return Receipt Requested

Howard Brand, Managing Member  
BrandLich Holdings LLC  
501 Cactus Street  
Freer, Texas 78357  
Article No. 7018 0360 0000 6994 1228

Leroy Lichtenberger, Managing Member  
BrandLich Holdings LLC  
912 Zanderson Avenue  
Jourdanton, Texas 78026  
Article No. 7018 0360 0000 6994 1242

Billy Lichtenberger, Managing Member  
BrandLich Holdings LLC  
1018 Old Magnolia Road  
Freer, Texas 78357  
Article No. 7018 0360 0000 6994 1235

Re: BrandLich Holdings LLC; RN109754820;  
TCEQ Docket No. 2017-1517-MLM-E

Dear Messrs. Brand, Lichtenberger, and Lichtenberger:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against BrandLich Holdings LLC for violations of state statutes and Commission Rules. Enclosed is a copy of the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of BrandLich Holdings LLC" (the "EDPRP"), which was filed today with the Chief Clerk of the TCEQ.

**You may employ an attorney. If you or your attorney do not file a written answer with the Chief Clerk of the TCEQ within twenty days after you receive this notice and petition, and/or fail to settle this matter by entering into an Agreed Order, the Commission may issue a default order against you.** If a default order is issued, you will be required to pay the assessed penalty and complete any corrective actions recommended by the Executive Director.

**YOUR FAILURE TO ACCEPT OR PICK UP CERTIFIED MAIL WILL NOT RELIEVE YOU OF YOUR RESPONSIBILITY IN THIS MATTER.**

To request a hearing, send a written hearing request referencing TCEQ Docket No. 2017-1517-MLM-E to the persons listed below via e-mail, regular mail, fax, or e-filing:

Bridget Bohac, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087  
(512) 239-3311 (fax)  
<http://www14.tceq.texas.gov/epic/eFiling/>

and:

Isaac Ta, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 175  
Austin, Texas 78711-3087  
(512) 239-3434 (fax)  
[isaac.ta@tceq.texas.gov](mailto:isaac.ta@tceq.texas.gov)

and:

Garrett Arthur, Staff Attorney  
Office of Public Interest Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-6377 (fax)  
[garrett.arthur@tceq.texas.gov](mailto:garrett.arthur@tceq.texas.gov)

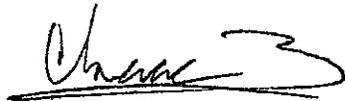
To e-file your hearing request, go to <http://www14.tceq.texas.gov/epic/eFiling/> and follow the on-screen instructions. Hearing requests are due to the Chief Clerk by 5:00 p.m. CST on or before the 20-day deadline date referenced above. Hearing requests filed via e-filing must be in either Microsoft Word or Adobe Acrobat (pdf) format.

All or a portion of the recommended administrative penalty may be offset through the completion of or payment to a Supplemental Environmental Project ("SEP"), which directs all or a portion of your administrative penalty toward projects aimed at improving the environment. For further information on contributing to a SEP, please visit our website at <http://www.tceq.texas.gov/legal/sep>.

For further information concerning the enforcement process, contact the TCEQ Office of Public Interest Counsel at (512) 239-6363. For information concerning compliance assistance, contact the TCEQ Environmental Assistance Division at (800) 447-2827.

If you have any questions or would like to schedule a meeting to discuss settlement, payment plan options, or contribution to a SEP, please contact me at (512) 239-3400 or at my e-mail address listed below. I look forward to cooperatively resolving this matter with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Isaac Ta', with a horizontal line underneath.

Isaac Ta, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality  
[isaac.ta@tceq.texas.gov](mailto:isaac.ta@tceq.texas.gov)

Enclosure

cc:

Danielle Porras, Enforcement Division  
Cameron Lopez, San Antonio Regional Office  
Garrett Arthur, TCEQ Office of Public Interest Counsel

**TCEQ DOCKET NO. 2017-1517-MLM-E**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>AN ENFORCEMENT ACTION</b>	<b>§</b>	
<b>AGAINST</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>BRANDLICH HOLDINGS LLC;</b>	<b>§</b>	
<b>RN109754820</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION  
RECOMMENDING THAT  
THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
ENTER AN ENFORCEMENT ORDER ASSESSING AN ADMINISTRATIVE  
PENALTY AGAINST AND REQUIRING CERTAIN ACTIONS OF  
BRANDLICH HOLDINGS LLC**

**INTRODUCTION**

1. The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), by and through a representative of the Litigation Division, hereby issues this Preliminary Report and Petition pursuant to TEX. WATER CODE § 7.054, TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 361 and 382, and 30 TEX. ADMIN. CODE chs. 70, 116, and 330. Discovery related to this matter is intended to be conducted under Level 3 pursuant to TEX. R. CIV. P. 190.
2. BrandLich Holdings LLC ("Respondent") is subject to the enforcement authority of the Commission pursuant to TEX. WATER CODE § 7.002 because the violations alleged herein are within the Commission's general jurisdiction, pursuant to TEX. WATER CODE § 5.013, as they involve violations of the state's municipal solid waste and air quality programs.
3. The Executive Director has come to the conclusion that Respondent violated TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a) and 30 TEX. ADMIN. CODE §§ 116.110(a), 330.7(a), and 330.15(a) and (c). The Executive Director recommends that the Commission enter an order assessing an administrative penalty against Respondent in the amount of twenty-seven thousand five hundred dollars (\$27,500.00). Further, the Executive Director recommends that the Commission order Respondent to undertake such actions as are necessary to bring operations into compliance with the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules.
4. Effective September 1, 2006, the TCEQ does not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person if any delinquent penalties or delinquent fees are associated with that entity's/person's 9-digit TCEQ Customer Number (CN), regardless of media and/or facility location.

**FACTS SUPPORTING VIOLATIONS**

5. Respondent owns and operates, a used asphalt roofing shingle recycling site located at 14348 Donop Road in Elmendorf, Bexar County, Texas (the "Site").

The Site contains and involves the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

6. During investigations conducted on May 1, 2017, and June 9, 2017, an investigator documented that Respondent:
  - a. Failed to obtain authorization from the TCEQ prior to engaging in any activity of storage, processing, removal, or disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.7(a). Also, caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately 18,843 cubic yards of MSW consisting of used asphalt roofing shingles were disposed of at the Site; and
  - b. Failed to obtain authorization to construct and operate a source of air emissions, in violation of TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b) and 30 TEX. ADMIN. CODE § 116.110(a). Specifically, the Respondent began operations to dissolve used asphalt roofing shingles at the Site prior to obtaining the proper authorization.

#### **IMPOSITION OF PENALTY**

7. Based on the facts supporting the violations, the Executive Director recommends that an administrative penalty be imposed pursuant to TEX. WATER CODE § 7.051. The Commission has the authority to assess an administrative penalty of up to \$25,000 for each day of each violation under TEX. WATER CODE § 7.052.

#### **AMOUNT OF PENALTY**

8. In determining the amount of the penalty, the Commission is required by TEX. WATER CODE § 7.053 to consider:
  - a. The nature, circumstances, extent, duration, and gravity of the prohibited act, with special emphasis on the impairment of existing water rights or the hazard or potential hazard created to the health or safety of the public;
  - b. The impact of the violation on:
    - i. air quality in the region;
    - ii. a receiving stream or underground water reservoir;
    - iii. instream uses, water quality, aquatic and wildlife habitat, or beneficial freshwater inflows to bays and estuaries; or
    - iv. affected persons;
  - c. With respect to the alleged violator:
    - i. the history and extent of previous violations;

- ii. the degree of culpability, including whether the violation was attributable to mechanical or electrical failures and whether the violation could have been reasonably anticipated and avoided;
    - iii. the demonstrated good faith, including actions taken by the alleged violator to rectify the cause of the violation and to compensate affected persons;
    - iv. economic benefit gained through the violation; and
    - v. the amount necessary to deter future violations; and
  - d. Any other matters that justice may require.
9. Based on the facts supporting the violations, and having considered the above-described factors, the Executive Director recommends that Respondent be required to pay an administrative penalty in the amount of twenty-seven thousand five hundred dollars (\$27,500.00).
10. The penalty calculation worksheet ("PCW") for the recommended administrative penalty is attached hereto and incorporated herein by reference ("Attachment A"). The PCW sets forth each alleged violation and the statutory factors the Executive Director considered in determining the recommended administrative penalty.
11. The Executive Director followed an established Penalty Policy approved by the Commission in calculating the penalty in this enforcement action. See Texas Commission on Environmental Quality Penalty Policy (April 1, 2014).

#### **CORRECTIVE ACTION ORDERING PROVISIONS**

12. Pursuant to TEX. WATER CODE § 7.073, if a person violates any statute or rule within the Commission's jurisdiction, the Commission may order the person to take corrective action.
13. The Executive Director recommends that Respondent be required to implement the following corrective measures:
  - a. Immediately upon the effective date of the Commission Order, cease accepting and processing any additional MSW at the Site, in accordance with 30 TEX. ADMIN. CODE §§ 330.7 and 330.15; and
  - b. Within 30 days after the effective date of the Commission Order, remove all MSW from the Site and dispose of it at an authorized facility; or
  - c. In lieu of Ordering Provision No. 13.b., within 30 days after the effective date of the Commission Order:
    - i. Obtain acceptable financial assurance for the closure of the Site in accordance with 30 TEX. ADMIN. CODE §§ 37.92 and 328.5, and submit the documentation to:

Financial Assurance Team, MC 184  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- ii. Submit documentation demonstrating that at least 50% by weight or volume of the material accumulated at the Site for recycling is recycled or transferred to a different facility for recycling, in accordance with 30 TEX. ADMIN. CODE §§ 328.4 and 328.5;
- iii. Develop and submit a fire prevention plan to local fire officials, in accordance with 30 TEX. ADMIN. CODE § 328.5;
- iv. Submit an administratively complete air permit application to authorize the used asphalt roofing shingles recycling operations at the Site, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3088

- v. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing.
- d. Within 45 days after the effective date of the Commission Order, submit written certification, as described in Corrective Action Ordering Provision No. 13.f., demonstrating compliance with Corrective Action Ordering Provisions Nos. 13.a. and 13.b. or 13.a. through 13.c.v.
- e. Within 180 days after the effective date of the Commission Order, submit written certification, as described in Corrective Action Ordering Provision No. 13.f., demonstrating that either the authorization has been obtained or that operations have ceased until such time that appropriate authorization is obtained.
- f. The certifications required by these Corrective Action Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I

am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Corrective Action Ordering Provisions to:

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

and:

Waste Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

#### **RESPONDENT'S RIGHTS AND RESPONSIBILITIES**

14. According to TEX. WATER CODE § 7.056 and the TCEQ's procedural rules, Respondent has a right to a hearing on the occurrence of the violations, the amount of the proposed penalty, or both. To preserve this right to a hearing, within 20 days after the day Respondent receives this Preliminary Report and Petition, Respondent must submit a written response to the Executive Director in accordance with TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105(a).

**PRAYER**

15. ACCORDINGLY, the Executive Director respectfully requests that the Commission enter an order, pursuant to TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 382, assessing a penalty and granting other relief as requested above, together with any other relief the Commission finds appropriate.

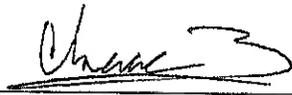
Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker  
Executive Director

Margaret Ligarde, Deputy Director  
Office of Legal Services

Charmaine Backens, Division Director  
Litigation Division

by  \_\_\_\_\_

Isaac Ta  
State Bar of Texas No. 24088499  
TCEQ Office of Legal Services  
Litigation Division, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 239-3400  
(512) 239-3434 (FAX)  
[isaac.ta@tceq.texas.gov](mailto:isaac.ta@tceq.texas.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of February, 2019, the original of the foregoing "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of BrandLich Holdings LLC" ("EDPRP") was filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing EDPRP was mailed via Certified Mail, Return Receipt Requested, postage prepaid, to:

Howard Brand, Managing Member  
BrandLich Holdings LLC  
501 Cactus Street  
Freer, Texas 78357  
Article No. 7018 0360 0000 6994 1228

Billy Lichtenberger, Managing Member  
BrandLich Holdings LLC  
1018 Old Magnolia Road  
Freer, Texas 78357  
Article No. 7018 0360 0000 6994 1235

Leroy Lichtenberger, Managing Member  
BrandLich Holdings LLC  
912 Zanderson Avenue  
Jourdanton, Texas 78026  
Article No. 7018 0360 0000 6994 1242

I further certify that on this day a true and correct copy of the foregoing EDPRP was electronically delivered to Garrett Arthur, TCEQ Office of Public Interest Counsel, at [garrett.arthur@tceq.texas.gov](mailto:garrett.arthur@tceq.texas.gov).



---

Isaac Ta, Staff Attorney  
Office of Legal Services  
Litigation Division  
Texas Commission on Environmental Quality

**ATTACHMENT A**  
**PENALTY CALCULATION WORKSHEET**



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Oct-2017	<b>Screening</b>	4-Oct-2017	<b>EPA Due</b>	
	<b>PCW</b>	5-Oct-2017				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BrandLich Holdings LLC		
<b>Reg. Ent. Ref. No.</b>	RN109754820		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	55257	<b>No. of Violations</b>	2
<b>Docket No.</b>	2017-1517-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Air	<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### 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**

Notes

**Culpability** No 0.0% Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Estimated Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

**PAYABLE PENALTY**

Screening Date 4-Oct-2017

Docket No. 2017-1517-MLM-E

PCW

Respondent BrandLich Holdings LLC

Policy Revision 4 (April 2014)

Case ID No. 55257

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN109754820

Media [Statute] Municipal Solid Waste

Enf. Coordinator Danielle Porras

### 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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

#### >> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

**Screening Date** 4-Oct-2017  
**Respondent** BrandLich Holdings LLC  
**Case ID No.** 55257  
**Reg. Ent. Reference No.** RN109754820  
**Media [Statute]** Municipal Solid Waste  
**Enf. Coordinator** Danielle Porras

**Docket No.** 2017-1517-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** BrandLich Holdings LLC  
**Case ID No.** 55257  
**Reg. Ent. Reference No.** RN109754820  
**Media** Municipal Solid Waste  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$191,292	1-May-2017	29-Jun-2018	1.16	\$11,111	n/a	\$11,111
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to dispose of the MSW at an authorized facility. The date required is the initial investigation date, and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$191,292

**TOTAL**

\$11,111

**Screening Date** 4-Oct-2017  
**Respondent** BrandLich Holdings LLC  
**Case ID No.** 55257  
**Reg. Ent. Reference No.** RN109754820  
**Media [Statute]** Municipal Solid Waste  
**Enf. Coordinator** Danielle Porras

**Docket No.** 2017-1517-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

**Violation Description**  
 Failed to obtain authorization to construct and operate a source of air emissions. Specifically, the Respondent began operations to dissolve used asphalt roofing shingles at the Site prior to obtaining the proper authorization.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events: 4      117 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$5,000

Four monthly events are recommended based on documentation of the violation during an investigation conducted on June 9, 2017 to the screening date of October 4, 2017.

**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.

**Violation Subtotal** \$5,000

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

**Statutory Limit Test**

**Estimated EB Amount** \$264

**Violation Final Penalty Total** \$5,000

**This violation Final Assessed Penalty (adjusted for limits)** \$5,000

# Economic Benefit Worksheet

**Respondent** BrandLich Holdings LLC  
**Case ID No.** 55257  
**Reg. Ent. Reference No.** RN109754820  
**Media** Municipal Solid Waste  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$5,000	9-Jun-2017	29-Jun-2018	1.05	\$264	n/a	\$264
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain proper authorization. The date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$264