

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0251-LII-E TCEQ ID: RN105624696 CASE NO.: 37347
RESPONDENT NAME: JOSE ANTONIO CAMACHO

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATIONS OCCURRED: 20715 Greymoss, Houston, Harris County

TYPE OF OPERATION: landscaping business

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that the irrigation system was not operating properly, that some sprinkler heads did not come up, some were barely emitting water, and that the control box broke a week after installation. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 9, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Mr. Keith Frank, Waste Enforcement Section, MC 128, (512) 239-1203
TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581
Respondent: Mr. Jose Camacho, 7911 Secretariat Lane, Houston, Texas 77071
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: September 4, 2008</p> <p>Date of NOE Relating to this Case: March 17, 2009</p> <p>Background Facts: The EDPRP was filed on July 29, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on or about August 4, 2009. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>LII: Failed to obtain a TCEQ irrigator license prior to selling and installing a landscape irrigation system at the Site during April and May 2007 [30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a)¹, TEX. WATER CODE § 37.003, and TEX. OCC. CODE § 1903.251].</p> <p>¹ 30 TEX. ADMIN. CODE § 344.4 was recodified in 30 TEX. ADMIN. CODE § 344.30 effective January 1, 2009 [33 Tex. Reg. 5713].</p>	<p>Total Assessed: \$744</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$ 744</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly certified. 2. Within 15 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Mar-2009	Screening	24-Mar-2009	EPA Due	
	PCW	25-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jose Antonio Camacho
Reg. Ent. Ref. No.	RN105624696
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37347	No. of Violations	1
Docket No.	2009-0251-LII-E	Order Type	1660
Media Program(s)	Irrigators	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Keith Frank
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$625
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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% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No enhancement for compliance history.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

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	\$119
Approx. Cost of Compliance	\$111

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	19.0%	Adjustment	\$119
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs of compliance associated with the violation.

Final Penalty Amount	\$744
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$744
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$744
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Screening Date 24-Mar-2009

Docket No. 2009-0251-LII-E

PCW

Respondent Jose Antonio Camacho

Policy Revision 2 (September 2002)

Case ID No. 37347

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105624696

Media [Statute] Irrigators

Enf. Coordinator Keith Frank

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No enhancement for compliance history.

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

Screening Date 24-Mar-2009	Docket No. 2009-0251-LII-E	PCW	
Respondent Jose Antonio Camacho	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37347	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN105624696			
Media [Statute] Irrigators			
Enf. Coordinator Keith Frank			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 30.5(a) and 344.30 [previously Tex. Admin. Code § 344.4], Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251		
Violation Description	Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system and represented to the public that he could perform a service for which a license is required as documented during a record review conducted on September 4, 2008. Specifically, the Respondent installed an irrigation system at the Site without holding an irrigator license.		
Base Penalty		\$2,500	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	x		25%
>> Programmatic Matrix			
	Major	Moderate	Minor
			Percent
			0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.		
Adjustment		\$1,875	
		\$625	
Violation Events			
Number of Violation Events		1	
		210	
		Number of violation days	
<small>mark only one with an x</small>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty		\$625	
One single event is recommended.			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
<small>Before NOV NOV to EDPRP/Settlement Offer</small>			
Extraordinary			
Ordinary			
N/A	x	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$625	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$119	Violation Final Penalty Total \$744	
This violation Final Assessed Penalty (adjusted for limits)		\$744	

Economic Benefit Worksheet

Respondent: Jose Antonio Camacho

Case ID No.: 37347

Reg. Ent. Reference No.: RN105624696

Media: Irrigators

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	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				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$111	4-Sep-2008	24-Mar-2009	1.47	\$8	\$111	\$119
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to obtain an Irrigator license. The date required is the record review date. The final date is the screening date.

Approx. Cost of Compliance

\$111

TOTAL

\$119

Compliance History Report

Customer/Respondent/Owner-Operator: CN603408808 CAMACHO, JOSE ANTONIO Classification: Rating:
Regulated Entity: RN105624696 JOSE ANTONIO CAMACHO Classification: Site Rating:
ID Number(s):
Location: 7911 SECRETARIAT LANE, HOUSTON, TX, 77071
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 30, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 24, 2004 to March 24, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Michael Graham Phone: 806-796-7635

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
- 6.

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
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.)
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
JOSE ANTONIO CAMACHO;
RN105624696

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2009-0251-LII-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCCUPATIONS CODE ch. 1903, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Jose Antonio Camacho ("Mr. Camacho").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Camacho is an unlicensed irrigator who owns and operates a landscaping business located at 7911 Secretariat Lane in Houston, Harris County, Texas. Mr. Camacho installed an irrigation system at 20715 Greymoss, Houston, Harris County, Texas (the "Site").
2. Mr. Camacho sells, designs, consults, installs, maintains, alters, repairs, and/or services landscape irrigation systems. Therefore, Mr. Camacho is subject to TCEQ jurisdiction pursuant to TEX. OCCUPATIONS CODE ch. 1903, TEX. WATER CODE ch. 37, and the rules of the TCEQ.
3. During a record review conducted on September 4, 2008, TCEQ Central Office Compliance staff documented that Mr. Camacho failed to obtain a TCEQ irrigator license prior to installing a landscape irrigation system at the Site during April and May 2007.
4. Mr. Camacho received notice of the violation on or about March 22, 2009.
5. The Executive Director filed 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 Jose Antonio Camacho” (the “EDPRP”) in the TCEQ Chief Clerk’s office on July 29, 2009.

6. By letter dated July 29, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Camacho with notice of the EDPRP. According to the return receipt “green card”, Mr. Camacho received notice of the EDPRP, as evidenced by the signature on the card and the date which the signed card was returned to TCEQ (August 4, 2009).
7. More than 20 days have elapsed since Mr. Camacho received notice of the EDPRP, provided by the Executive Director. Mr. Camacho failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Camacho is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCCUPATIONS CODE ch. 1903, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Camacho failed to obtain a TCEQ irrigator license prior to selling and installing a landscape irrigation system at the Site during April and May 2007, in violation of 30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a)¹, TEX. WATER CODE § 37.003, and TEX. OCCUPATIONS CODE § 1903.251.
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Mr. Camacho with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Mr. Camacho failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Camacho and assess the penalty recommended by the Executive Director.

¹ 30 TEX. ADMIN. CODE § 344.4 was recodified in 30 TEX. ADMIN. CODE § 344.30 effective January 1, 2009 by 33 Tex. Reg. 5713.

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Camacho for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of seven hundred forty-four dollars (\$744.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Camacho is assessed an administrative penalty in the amount of seven hundred forty-four dollars (\$744.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Camacho's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: José Antonio Camacho; Docket No. 2009-0251-LII-E" to:

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

2. Mr. Camacho shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Mr. Camacho shall cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing

landscape irrigation systems until properly certified in accordance with the requirements of 30 TEX. ADMIN. CODE ch. 344; and

- b. Within 15 days after the effective date of this Order, Mr. Camacho shall submit a written certification statement demonstrating compliance with Ordering Provision No. 2.a. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and 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 violation."

The certification shall be submitted to:

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

with a copy to:

Sandra Mota, Workgroup Leader
Landscape Irrigation Program, MC-235
Texas Commission on Environmental Quality
Field Operations Support Division
P.O. Box 13087
Austin, Texas 78711

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Camacho. Mr. Camacho 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. If Mr. Camacho fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Camacho's failure to comply is not a violation of this Order. Mr. Camacho shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Camacho shall notify the Executive Director within seven days after Mr. Camacho becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Mr. Camacho shall be made in writing to the Executive Director. Extensions are not effective until Mr. Camacho receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Camacho if the Executive Director determines that Mr. Camacho has not complied with one or more of the terms or conditions in this Order.
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 Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Jose Antonio Camacho
Docket No. 2009-0251-LII-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF KARI L. GILBRETH

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kari L. Gilbreth. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, 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 Jose Antonio Camacho” (the “EDPRP”) was filed with the Office of the Chief Clerk on July 29, 2009.

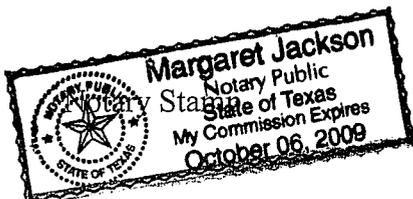
I sent the EDPRP to Mr. Camacho at his last known address on July 29, 2009 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Mr. Camacho received notice of the EDPRP, as evidenced by the signature on the card and the date which the signed card was returned to TCEQ (August 4, 2009).

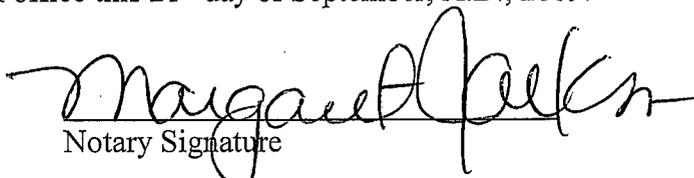
More than 20 days have elapsed since Mr. Camacho received notice of the EDPRP. Mr. Camacho failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference”.


Kari L. Gilbreth
Attorney.
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Kari L. Gilbreth, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 21st day of September, A.D., 2009.




Notary Signature