

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1602-AIR-E TCEQ ID: RN102292943 CASE NO.: 31162  
RESPONDENT NAME: ARTURO MALDONADO DBA TRUCK TOWN BODY & PAINT**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input 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 VIOLATION(S) OCCURRED:** 6919 Alameda Avenue, El Paso, El Paso County

**TYPE OF OPERATION:** auto body shop

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired June 23, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
 TCEQ Attorney: Ms. Dinniah Chahin, Litigation Division, MC 175, (512) 239-0617  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Air Enforcement Section, MC R-4, (817) 588-5890  
 TCEQ Regional Contact: Mr. Kent Waggoner, El Paso Regional Office, MC R-6, (915) 834-4957  
 Respondent: Mr. Arturo Maldonado, Owner, Truck Town Body & Paint, 6919 Alameda Avenue, El Paso, Texas 79915  
 Respondent's Attorney: Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      N/A</p> <p><b>Dates of Investigations Relating to this Case:</b>                      February 28, 2006 and May 17, 2006</p> <p><b>Date of NOE Relating to this Case:</b>                      August 25, 2006</p> <p><b>Background Facts:</b>                      The EDP RP was filed June 13, 2007, 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 EDP RP on June 15, 2007. The EDFARP was filed May 4, 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 EDFARP on May 6, 2009. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b>                      Not yet in compliance.</p> <p><b>AIR:</b>                      Failed to obtain authorization from the TCEQ prior to operating a surface coating operation [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p>	<p><b>Total Assessed:</b> \$3,150</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$3,150</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 proposed Order.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 15 days submit an administratively complete permit application or demonstrate that the Shop can satisfy the conditions for a Permit by Rule.</li> <li>2. 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.</li> <li>3. Within 30 days submit written certification demonstrating compliance with Ordering Provision No. 1.</li> <li>4. Within 180 days submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that the operation has ceased until such time that appropriate authorization is obtained.</li> </ol>



DATES	Assigned	28-Aug-2006	Screening	07-Sep-2006	EPA Due	
	PCW	21-Dec-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Arturo Maldonado dba Truck Town Body & Paint
Reg. Ent. Ref. No.	RN102292943
Facility/Site Region	6-El Paso
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31162	No. of Violations	1
Docket No.	2006-1602-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Sherronda Martin
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$3,000
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$150

Notes: Penalty enhancement due to one similar NOV.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the good faith effort criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$100	

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$3,150
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$3,150
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$3,150
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<b>DEFERRAL</b>	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 offer withdrawn for failure to settle within 60 days.

<b>PAYABLE PENALTY</b>	\$3,150
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Screening Date 07-Sep-2006

Docket No. 2006-1602-AIR-E

PCW

Respondent Arturo Maldonado dba Truck Town Body & Paint

Policy Revision 2 (September 2002)

Case ID No. 31162

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102292943

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

**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)	1	5%
	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)	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%
<i>Please Enter Yes or No</i>			
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) 5%**

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3) 0%**

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

Average Performer

**Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to one similar NOV.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%**

Screening Date 07-Sep-2006

Docket No. 2006-1602-AIR-E

PCW

Respondent Arturo Maldonado dba Truck Town Body & Paint

Policy Revision 2 (September 2002)

Case ID No. 31162

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102292943

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.110(a)

Secondary Rule Cite(s) Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description Failure to obtain TCEQ authorization prior to operating a surface coating operation, as documented during February 28, 2006 and May 17, 2006 investigations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes The Respondent did not meet 100% of the rule requirement.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 3 Number of violation days 191

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended for the period of February 28, 2006 to September 7, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

## Economic Benefit Worksheet

**Respondent** Arturo Maldonado dba Truck Town Body & Paint  
**Case ID No.** 31162  
**Reg. Ent. Reference No.** RN102292943  
**Media [Statute]** Air Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$100	28-Feb-2006	06-Mar-2007	1.0	\$5	n/a	\$5
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain TCEQ authorization for operation. Date required is the date of the investigation. Final date is the date of expected compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

# Compliance History

Customer/Respondent/Owner-Operator: CN602955494 ARTURO MALDONADO Classification: AVERAGE Rating: 1.00  
Regulated Entity: RN102292943 TRUCK TOWN BODY & PAINT Classification: AVERAGE Site Rating: 1.00

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE2482E  
Location: 6919 ALAMEDA AVE, EL PASO, TX, 79915 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 06 - EL PASO  
Date Compliance History Prepared: October 11, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 11, 2001 to October 11, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Sherronda Martin Phone: 713-767-3680

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? TRUCK TOWN BODY & PAINT
4. If Yes, who was/were the prior owner(s)? Richys Detail Shop
5. When did the change(s) in ownership occur? 12/21/2005

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, 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.)

- 1 08/25/2006 (509806)
- 2 10/16/2001 (76180)
- 3 03/29/2006 (459803)

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

Date: 03/31/2006 (459803)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.0518(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization from TCEQ, prior to operating a surface coating business.

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  
ARTURO MALDONADO DBA  
TRUCK TOWN BODY & PAINT,  
RN102292943

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2006-1602-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, 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 Arturo Maldonado dba Truck Town Body & Paint ("Mr. Maldonado").

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

**FINDINGS OF FACT**

1. Mr. Maldonado owns and operates an auto body shop located at 6919 Alameda Avenue, El Paso, El Paso County, Texas (the "Shop").
2. The Shop consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During investigations on February 28, 2006 and May 17, 2006, El Paso City-County Health and Environmental District investigators documented that Mr. Maldonado failed to obtain authorization from the TCEQ, prior to operating a surface coating operation.
4. Mr. Maldonado received notice of the violation on or about August 30, 2006.
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 Arturo Maldonado dba Truck Town Body & Paint" (the "EDPRP") in the TCEQ Chief Clerk's office on June 13, 2007.

6. By letter dated June 13, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Maldonado with notice of the EDPRP. According to the return receipt "green card," Mr. Maldonado received notice of the EDPRP on June 15, 2007, as evidenced by the signature on the card.
7. The Executive Director filed the "Executive Director's First Amended 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 Arturo Maldonado dba Truck Town Body & Paint" (the "EDFARP") in the TCEQ Chief Clerk's office on May 4, 2009.
8. By letter dated May 4, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Maldonado with notice of the EDFARP. According to the return receipt "green card," Mr. Maldonado received notice of the EDFARP on May 6, 2009, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Mr. Maldonado received notice of the EDPRP and EDFARP, provided by the Executive Director. Mr. Maldonado failed to file an answer to either the EDPRP or the EDFARP, 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. Maldonado is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Maldonado failed to obtain authorization from the TCEQ, prior to operating a surface coating operation, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a).
3. As evidenced by Finding of Fact Nos. 5, 6, 7, and 8, the Executive Director timely served Mr. Maldonado with proper notice of the EDPRP and EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 9, Mr. Maldonado failed to file a timely answer to either the EDPRP or the EDFARP, 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. Maldonado and assess the penalty recommended by the Executive Director.

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Maldonado 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 three thousand one hundred fifty dollars (\$3,150.00) 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. Maldonado is assessed an administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Maldonado'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: Arturo Maldonado dba Truck Town Body & Paint; Docket No. 2006-1602-AIR-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. Maldonado shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Order, Mr. Maldonado shall submit an administratively complete permit application or demonstrate that the Shop can satisfy the

conditions for a Permit by Rule in accordance with 30 TEX. ADMIN. CODE § 116.110(a)  
to:

Air Permits Division, MC 162  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by 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.
- c. Within 30 days after the effective date of this Order, Mr. Maldonado shall submit written certification as described below in Ordering Provision 2.e. that demonstrates compliance with Ordering Provision 2.a.
- d. Within 180 days after the effective date of this Order, Mr. Maldonado shall submit written certification as described below in Ordering Provision 2.e that either authorization to construct and operate a source of air emissions has been obtained or that the operation has ceased until such time that appropriate authorization is obtained.
- e. The certifications required by Ordering Provision Nos. 2.c. and 2.d. 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 violations.”

Mr. Maldonado shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.c. and 2.d. to:

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

and

Charles Murray, Air Section Manager  
Texas Commission on Environmental Quality  
El Paso Regional Office  
401 E. Franklin Avenue, Suite 560  
El Paso, Texas 79901-1212

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. Maldonado. Mr. Maldonado is ordered to give notice of this Order to personnel who maintain day-to-day control over the Shop operations referenced in this Order.
5. If Mr. Maldonado 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. Maldonado's failure to comply is not a violation of this Order. Mr. Maldonado shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Maldonado shall notify the Executive Director within seven days after Mr. Maldonado 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. Maldonado shall be made in writing to the Executive Director. Extensions are not effective until Mr. Maldonado 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. Maldonado if the Executive Director determines that Mr. Maldonado 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.

Arturo Maldonado dba Truck Town Body & Paint  
DOCKET NO. 2006-1602-AIR-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

