

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43483  
Richard Valadez d/b/a Rocking V Hides and Skins  
RN106218290  
Docket No. 2012-0316-IHW-E

**Order Type:**

Default Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

northwest corner of North Clarkwood and Agnes Streets, Corpus Christi, Nueces County

**Type of Operation:**

animal hide curing and preserving facility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** August 31, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$6,078

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$6,078

**Compliance History Classifications:**

Person/CN – Average  
Site/RN – Average by Default

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** December 2 - 5, 2011  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** January 11, 2012

**Violation Information**

Failed to prevent the disposal of industrial solid waste at an unauthorized facility [30 TEX. ADMIN. CODE § 335.2(b)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**  
Respondent no longer operates the Facility as of December 2, 2011.

**Technical Requirements:**  
N/A

**Litigation Information**

**Date Petition(s) Filed:** June 7, 2012  
**Date Green Card(s) Signed:** Unclaimed  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Peipey Tang, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
James Murphy, Public Interest Counsel, (512) 239-6363  
**TCEQ Enforcement Coordinator:** Rebecca Boyett, Enforcement Division, (512) 239-2503  
**TCEQ Regional Contact:** Brad Genzer, Corpus Christi Regional Office, (361) 825-3104  
**Respondent:** Richard Valadez, 3350 Lassus Boulevard, San Antonio, Texas 78223  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	17-Jan-2012	<b>Screening</b>	30-Jan-2012	<b>EPA Due</b>	
	<b>PCW</b>	9-May-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Richard Valadez dba Rocking V Hides and Skins				
<b>Reg. Ent. Ref. No.</b>	RN106218290				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43483	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0316-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Philip Aldridge
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,250
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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.

<b>Compliance History</b>	2.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$25
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations.		
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.		
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$4,803	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,803	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,275
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	376.7%	<b>Adjustment</b>	\$4,803
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with the violation.		
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<b>Final Penalty Amount</b>	\$6,078
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,078
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.		
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<b>PAYABLE PENALTY</b>	\$6,078
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**Screening Date** 30-Jan-2012 **Docket No.** 2012-0316-IHW-E

**PCW**

**Respondent** Richard Valadez dba Rocking V Hides and Skins

Policy Revision 3 (September 2011)

**Case ID No.** 43483

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN106218290

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Philip Aldridge

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	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	1	2%
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 judgements 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%
<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)** 2%

>> **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**

Enhancement for one NOV with dissimilar violations.

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

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 2%

Screening Date 30-Jan-2012

Docket No. 2012-0316-IHW-E

PCW

Respondent Richard Valadez dba Rocking V Hides and Skins

Policy Revision 3 (September 2011)

Case ID No. 43483

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106218290

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Philip Aldridge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)

Violation Description Failed to prevent the disposal of industrial waste at an unauthorized facility. Specifically, the Respondent disposed of 125 barrels of concentrated salt solution at a disposal well located at 4055 Carbon Plant Road in Corpus Christi, Texas, on October 27, 2011.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 1

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,803

Violation Final Penalty Total \$6,078

This violation Final Assessed Penalty (adjusted for limits) \$6,078

## Economic Benefit Worksheet

**Respondent** Richard Valadez dba Rocking V Hides and Skins  
**Case ID No.** 43483  
**Req. Ent. Reference No.** RN106218290  
**Media** Industrial and Hazardous Waste  
**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
No commas or \$							

### 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]				0.00	\$0	\$0	\$0
Other (as needed)	\$4,803	27-Oct-2011	27-Oct-2011	0.00	\$0	\$4,803	\$4,803

Notes for AVOIDED costs

Estimated avoided cost to dispose of waste water at an authorized facility. The Date Required is the date of the unauthorized disposal and the Final Date is the date of the unauthorized disposal.

Approx. Cost of Compliance

\$4,803

**TOTAL**

\$4,803

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603952649 Valadez, Richard Classification: AVERAGE Rating: 3.01  
Regulated Entity: RN106218290 Rocking V Hides and Skins Classification: AVERAGE BY DEFAULT Site Rating: 3.01  
ID Number(s): WATER QUALITY NON PERMITTED ID NUMBER R14106218290  
Location: Northwest corner of North Clarkwood and Agnes Streets in Corpus Christi, Texas  
TCEQ Region: REGION 14 - CORPUS CHRISTI  
Date Compliance History Prepared: January 27, 2012  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: January 27, 2007 to January 27, 2012  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
Name: Philip Aldridge Phone: (512) 239-0855

## 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/operator of the site during the compliance period? No
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## 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 09/08/2011 (952083)
    - 2 01/11/2012 (974633)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 09/08/2011 (952083)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
Description: Failed to obtain authorization to discharge storm water associated with an industrial activity through the storm water Multi-Sector General Permit (MSGP).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
Description: No person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of IHW in such a manner so as to cause: (1) the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the Commission; (2) the creation and maintenance of a nuisance; or (3) the endangerment of the public health and welfare.
  - 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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RICHARD VALADEZ DBA  
ROCKING V HIDES AND SKINS;  
RN106218290**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-0316-IHW-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Richard Valadez d/b/a Rocking V Hides and Skins ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owned and operated an animal hide curing and preserving facility located at the northwest corner of North Clarkwood and Agnes Streets in Corpus Christi, Nueces County, Texas (the "Facility"). The Facility involves the management and/or the disposal of industrial solid and/or hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During a record review conducted December 2, 2011, through December 5, 2011, a TCEQ Corpus Christi Regional Office investigator documented that Respondent failed to prevent the disposal of industrial solid waste at an unauthorized facility. Specifically, Respondent disposed of 125 barrels of concentrated salt solution in a disposal well located at 4055 Carbon Plant Road in Corpus Christi, Nueces County, Texas, on October 27, 2011.
3. Respondent received notice of the violations on or about January 16, 2012.
4. The Executive Director recognizes that the Respondent no longer operates the Facility as of December 2, 2011.
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 Richard Valadez d/b/a Rocking V Hides and Skins" (the "EDPRP") in the TCEQ Chief Clerk's office on June 7, 2012.
6. By letter dated June 7, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States

Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.

7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent the disposal of industrial solid waste or municipal hazardous waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b).
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 7, Respondent 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 Respondent 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 Respondent for violations of state statutes 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 six thousand seventy-eight dollars (\$6,078.00) 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. Respondent is assessed an administrative penalty in the amount of six thousand seventy-eight dollars (\$6,078.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent'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.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Richard Valadez d/b/a Rocking V Hides and Skins; Docket No. 2012-0316-IHW-E" to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. If Respondent 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, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent 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.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF PEIPEY TANG**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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"My name is Peipey Tang. 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 Richard Valadez d/b/a Rocking V Hides and Skins" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 7, 2012.

The EDPRP was mailed to Respondent's last known address on June 7, 2012, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Peipey Tang  
Peipey Tang, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, 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 6th day of August, A.D. 2012.

Margaret Jackson  
Notary Signature

