

Abel Becerra, Jr.

RN106514995

Docket No. 2012-2062-MSW-E

**Order Type:**

Default Order

**Media:**

MSW

**Small Business:**

Yes

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

La Feria, Cameron County, Texas

**Type of Operation:**

unauthorized disposal site

**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:** April 12, 2013**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$30,000**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$30,000**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – Not Applicable

**Major Source:** Yes**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** September 2011

Abel Becerra, Jr.  
RN106514995  
Docket No. 2012-2062-MSW-E

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** June 28, 2012  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** September 21, 2012

**Violation Information**

Failed to prevent the unauthorized disposal of municipal solid waste ("MSW") (approx. 25,180 scrap tires) [30 TEX. ADMIN. CODE § 330.15(c)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**  
None

**Technical Requirements:**

1. Immediately cease disposal of any additional MSW at the Site.
2. Within 30 days, remove all MSW from the Site and dispose of it at an authorized facility.
3. Within 45 days, submit written certification to demonstrate compliance.

**Litigation Information**

**Date Petition(s) Filed:** February 5, 2013  
**Date Green Card(s) Signed:** February 8, 2013  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Phillip M. Goodwin, P.G., Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Amy Swanholm, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Theresa Stephens, Enforcement Division, (512) 239-2540

**TCEQ Regional Contact:** Francisco Chavero, Jr., Harlingen Regional Office, (956) 430-6033

**Respondent:** Abel Becerra, Jr., 1809 South Torreon Street, Donna, Texas 78537

**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>	1-Oct-2012	<b>Screening</b>	5-Oct-2012	<b>EPA Due</b>	
	<b>PCW</b>	2-Jan-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Abel Becerra, Jr.				
<b>Reg. Ent. Ref. No.</b>	RN106514995				
<b>Facility/Site Region</b>	15-Harlingen	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45143	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-2062-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Theresa Stephens
		<b>EC's Team</b>	Enforcement Team 6
<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>	\$30,000
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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>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for compliance history.
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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	\$1,981	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$39,610	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$30,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$30,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$30,000
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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 indicated 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>	\$30,000
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**Screening Date** 5-Oct-2012

**Docket No.** 2012-2062-MSW-E

**PCW**

**Respondent** Abel Becerra, Jr.

*Policy Revision 3 (September 2011)*

**Case ID No.** 45143

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN106514995

**Media [Statute]** Municipal Solid Waste

**Enf. Coordinator** Theresa Stephens

### 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	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 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)**

**>> 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%**

<b>Screening Date</b>	5-Oct-2012	<b>Docket No.</b>	2012-2062-MSW-E	<b>PCW</b>
<b>Respondent</b>	Abel Becerra, Jr.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45143			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN106514995			
<b>Media [Statute]</b>	Municipal Solid Waste			
<b>Enf. Coordinator</b>	Theresa Stephens			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 330.15(c)

**Violation Description**

Failed to prevent the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 25,180 scrap tires (approximately 2,518 cubic yards) were disposed of at the Site.

**Base Penalty**

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Four monthly events are recommended from the June 28, 2012 investigation to the October 5, 2012 screening date.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

**Notes**

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

**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** Abel Becerra, Jr.  
**Case ID No.** 45143  
**Reg. Ent. Reference No.** RN106514995  
**Media Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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	\$39,610	28-Jun-2012	28-Jun-2013	1.00	\$1,981	n/a	\$1,981
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**   Estimated cost to remove all scrap tires from the Site and properly dispose of them at an authorized facility. 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**   \$39,610   **TOTAL**   \$1,981

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN604135905, RN106514995, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN604135905, Abel Becerra, Jr.

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Regulated Entity:** RN106514995, ABEL BECERRA JR PROPERTY

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 27835 FM 2556 LA FERIA, TX 78559-6441, CAMERON COUNTY

**TCEQ Region:** REGION 15 - HARLINGEN

**ID Number(s):**

**MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER**

UNA455150202

**Compliance History Period:** September 01, 2007 to August 31, 2012

**Rating Year:** 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** April 03, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 03, 2008 to April 03, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Theresa Stephens

**Phone:** (512) 239-2540

## Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

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.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ABEL BECERRA, JR.;  
RN106514995**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-2062-MSW-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, 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 Abel Becerra, Jr. ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns and operates an unauthorized disposal site located in La Feria, Cameron County, Texas, more specifically described in the legal description included herein as Attachment A (the "Site"). The Site involves the management and/or the disposal of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on June 28, 2012, a TCEQ Harlingen Regional Office investigator documented that Respondent failed to prevent the unauthorized disposal of MSW. Specifically, approximately 25,180 scrap tires (approximately 2,518 cubic yards) were disposed of at the Site.
3. Respondent received notice of the violation on or about September 26, 2012.
4. 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 Abel Becerra, Jr." (the "EDPRP") in the TCEQ Chief Clerk's office on February 5, 2013.
5. By letter dated February 5, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on February 8, 2013, as evidenced by the signature on the card.
6. 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 unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(c).
3. As evidenced by Findings of Fact Nos. 4 and 5, 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(b)(1).
4. As evidenced by Finding of Fact No. 6, 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 thirty thousand dollars (\$30,000.00) 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 thirty thousand dollars (\$30,000.00) 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: Abel Becerra, Jr.; Docket No. 2012-2062-MSW-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. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Respondent shall cease disposal of any additional MSW at the Site.
  - b. Within 30 days after the effective date of this Order, Respondent shall remove all MSW from the Site and dispose of it at an authorized facility.
  - c. Within 45 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a. and 3.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, 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 certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Francisco Chavero, Jr., Waste Section Manager  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 W. Jefferson Avenue  
Harlingen, Texas 78550-5247

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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 PHILLIP M. GOODWIN**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

§

§

"My name is Phillip M. Goodwin. 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 Abel Becerra, Jr." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 5, 2013.

The EDPRP was mailed to Respondent's last known address on February 5, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on February 8, 2013, as evidenced by the signature on the card.

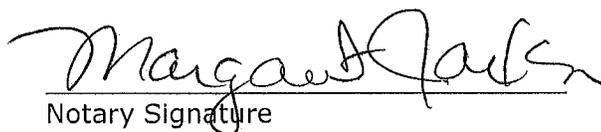
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



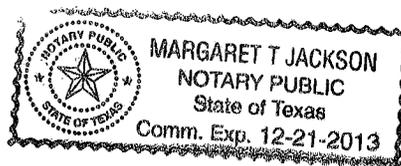
Phillip M. Goodwin, P.G., Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 26<sup>th</sup> day of March, A.D. 2013.



Notary Signature



June 20, 2012

**METES AND BOUNDS DESCRIPTION  
5.487 ACRES OUT OF  
BLOCK 5, SOLIS SUBDIVISION  
CITY OF LA FERIA  
CAMERON COUNTY, TEXAS**

A tract of land containing 5.487 acres situated in the City of La Feria, Cameron County, Texas, being a part or portion of the (West 12 acres) of Block 5, Solis Subdivision according to the plat thereof recorded in Volume 5, Page 20, Cameron County Map Records, which said (West 12 acres) were conveyed to Shelba Gene Pruett by virtue of a Warranty Deed Recorded in Volume 8819, Page 127, Cameron County Official Records, which said 5.487 acres include a (210 ft. x 210 ft.) tract conveyed to Gene Taylor by virtue of a Warranty Deed from Shelba Pruett, recorded under Document No. 25883, Cameron County Official Records, said 5.487 acres also being more particularly described as follows:

COMMENCING at the Northwest corner of Block 5, Solis Subdivision;

THENCE, South 29 degrees, 14 minutes, 43 seconds East, along a Northern boundary line of said Block 5, at a distance of 83.42 feet pass a No. 4 rebar found (Northing: 16583150.202, Easting: 1197987.576) for the East right-of-way line of F.M. Road 2556, continuing a total distance of 626.64 feet to a No. 4 rebar found for an inside corner of said Block 5;

THENCE, North 67 degrees, 36 minutes, 52 seconds East, along a Northern boundary line of said Block 5, Solis Subdivision, a distance of 132.85 feet to a No. 4 rebar found (Northing: 16582726.963, Easting: 1198375.883), for the Easternmost Northwest corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, North 67 degrees, 36 minutes, 52 seconds East, continuing along said Northern boundary line of said Block 5, Solis Subdivision, a distance of 219.95 feet to a No. 4 rebar found (Northing: 16582810.583, Easting: 1198579.182), at the Northeast corner of the (West 12 acres) of said Block 5, for the Northeast corner of this tract;
2. THENCE, South 00 degrees, 40 minutes, 44 seconds East, along the East line of said (West 12 acres) at a distance of 499.39 feet pass a No. 4 rebar set in line, at a distance of 678.74 feet pass a No. 4 rebar found (Northing: 16582131.890, Easting: 1198587.225) for the North right-of-way line of Solis Road, continuing a total distance of 699.72 feet to a PK nail found for the Southeast corner of this tract;
3. THENCE, South 71 degrees, 48 minutes, 25 seconds West, along the South line of said Block 5 and within the right-of-way line of Solis Road, a distance of 487.87 feet to the Easternmost Southwest corner of this tract;
4. THENCE, North 16 degrees, 59 minutes, 31 seconds West, at a distance of 20.00 feet pass a No. 4 rebar found for the North right-of-way line of Solis Road, continuing a total distance of 149.64 feet to a No. 4 rebar set for an inside corner of this tract;
5. THENCE, South 80 degrees, 10 minutes, 41 seconds West, at a distance of 82.51 feet pass a No. 4 rebar set for the East right-of-way line of F.M. Road 2556, continuing a total distance of 123.03 feet to the Westernmost Southwest corner of this tract;

7. THENCE, North 89 degrees, 48 minutes, 11 seconds East, at a distance of 40.00 feet pass a No. 4 rebar found (Northing: 16582259.379, Easting: 1198579.182) for the East right-of-way line of F.M. Road 2556, at a distance of 253.32 feet pass a No. 4 rebar set in line, continuing a total distance of 423.62 feet to an inside corner of this tract;
8. THENCE, North 00 degrees, 36 minutes, 50 seconds West, at a distance of 49.80 feet pass a No. 4 rebar set in line, continuing a total distance of 466.15 feet to the POINT OF BEGINNING, and containing 5.487 acres, more or less, of which 0.161 of one acre lies in the right-of-way of F.M. Road 2556, and 0.225 of one acre lies in the right-of-way of Solis Road, leaving a net of 5.101 acres of land, more or less.

I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO  
HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION  
REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON  
04/05/2012 UNDER MY DIRECTION AND SUPERVISION.

  
FRED L. KURTH, R.P.L.S. #4750

6-20-12  
DATE:

