

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

September 5, 2007.

2007 SEP -7 PM 3:00

TCEQ  
Chief Clerk  
LaDonna Castanuela  
MC 105  
P.O. Box 13087  
Austin, Texas, 78711-3087

CHIEF CLERKS OFFICE

RE: TCEQ Docket No. 2004-0639-PST-E, and  
SOAH Docket No. 582-07-1206

Dear Ms. Castanuela;

There are recorded telephone conversations with Xavier Guerra and letters mailed to him regarding the Dillons' property and the evidence contained in the Central File Room provided to him.

This was done prior to Guerra filing this case predicated on his act of fraud in violation of state and federal laws...

State...

Civil Practice & Remedies Code  
Chapter 12, 104, and 105;  
Business & Commerce Code  
Chapter 26, 107, 109, 150.

Federal...

18 USC 73, 151-157, 246, 287,  
1001, 1017, 1018, 1028,  
1035, 1341, 1343, 1346,  
1515, 1961 thru 1966.

This case will be brought forward in strong evidence provided by our Central File Room facts and other strong evidence already provided to our Commission.

Sincerely Yours,



Sam Dillon  
P.O. Box 254  
Timpson, Texas, 75975  
936-254-3483

USPS CERTIFIED RETURN RECEIPT  
7005 1160 0000 6718 5407

cc: attorney  
senate & congress  
judge scudday

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

SOAH DOCKET NO. 582-07-1206  
TCEQ DOCKET NO. 2004-0639-PST-E

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

7:07 SEP -7 PM 3:00

EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
Petitioner

v.

SAM R. DILLON dba SAM'S PRODUCE  
FARM (RN102267903),  
Respondent

§  
§  
§  
§  
§  
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§  
§  
§

BEFORE THE STATE OFFICE

CHIEF CLERKS OFFICE

OF

ADMINISTRATIVE HEARINGS

**RESPONDENT'S BRIEF IN RESPONSE  
TO PETITIONER'S RESPONSE**

TO THE HONORABLE JUDGE:

COMES NOW SAM DILLON, respondent, and in brief reply states certain legal facts;

1.

For the Texas Commission on Environmental Quality (TCEQ) attorney, Xavier Guerra, to provide false claims in attempt to receive illegal findings by a judge, is an unlawful act under state and federal laws.

2.

Guerra was provided by law with clear evidence proving all the tanks were removed prior to filing the fraudulent claims in this case.

3.

Moreover, our state agency (TCEQ) has been provided with evidence filed in the Central File Room, which proves the tanks are removed. By such facts and evidence Guerra still illegally attempts to get a Judge and/or a Commissioners to illegally find the tanks are still in ground and products (gas and diesel) are still being sold.

IN CONCLUSION, such claims are fraudulent and known as such by Xavier Guerra in an illegal allegation which violates our state and federal laws.

Respectfully Submitted,

  
Sam Dillon

P.O. Box 254  
Timpson, Tx, 75975  
936-254-3483

**Triple H Service Station**  
**PST ID #0049756**  
**Hwy. 59 and Willow St., Garrison, TX**  
**PST Follow-Up Investigation**  
**Photographs Taken by Justin East on 11/19/03**

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**Photo 1**

**Abandoned  
Retail Fuel  
Facility**



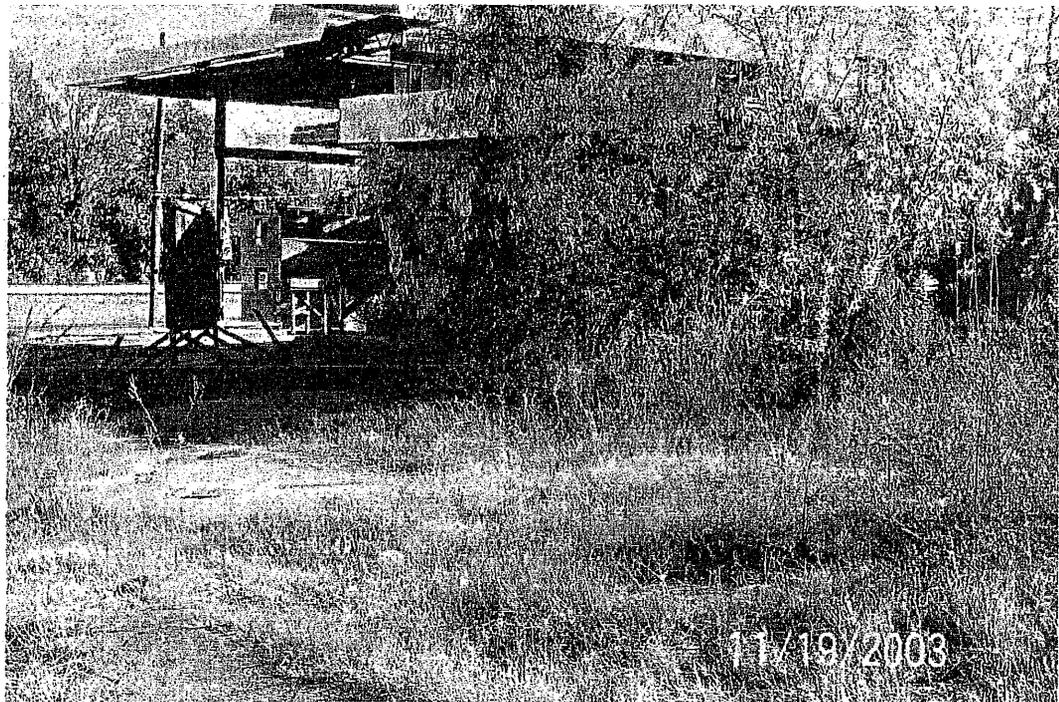
**Photo 2**

**Location of  
USTs -  
Between  
Building and  
Willow St.**



**Photo 3**

**Location of  
USTs on Side  
of  
Building**



**Photo 4**

**USTs Still  
Exist at  
Facility**



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

## TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Susan KellyCall from: Sam DillionDate of call: 5/28/03

File no.:

Phone no.: (936) 254-3483Subject: PST 0049756

Information for file: Mr. Dillion called to discuss the NOV sent to him. The tank w/ product has 21" of product and is a 500 gallon tank. He estimates 250 gallons. We listed 7 tanks in letter and he has 6 tanks that he can locate onsite. Plans to remove all tanks by end of the year. He is having back surgery next month and expects recovery to be 3-4 months. Will take tanks out after that. He wants to take care of the 500 gallon tank before his surgery. He asked about removing the product and I told him that would need to be done. I told Mr. Dillion that the investigator (Justin East) and I would call him together in the morning about 9:00 am.

Signed

Susan Kelly

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: <u>Stan Dillon</u>	Call from: <u>Susan Kelly Justin East</u>
Date of call: <u>5/29/03</u>	File no.: _____
Phone no.: <u>(436) 254-3483</u>	Subject: _____

Information for file: Called him back @ 9:00. Justin told him where all tanks (7) located. 500 gallon tank was 21 in. He wants to move ~~it~~ to his tank on his property. Justin told him it is mostly water (Justin used water paste)

He knows of approx 30 facilities in his area w/ unregistered tanks. We suggested his file a complaint.

This site ~~is~~ in bankruptcy proceedings. He will call the trustee today to get approval to remove product. He doesn't own the property it is part of the "estate" that is in bankruptcy court. Plan to remove the tanks in future. Will send documentation for removal of product.

Signed Susan Kelly

**Photograph #1**

**Taken By:**

Justin East

**Date:**

04/16/2003

**Description:**

Picture of Facility  
and Location of  
USTs From  
Willow St.



**Photograph #2**

**Taken By:**

Justin East

**Date:**

04/16/2003

**Description:**

Picture of Front  
of Facility



**Photograph #3**

**Taken By:**

Justin East

**Date:**

04/16/2003

**Description:**

Picture of Side  
of Facility From  
Corner of Hwy. 59  
and Willow St.



**Photograph #4**

**Taken By:**

Justin East

**Date:**

04/16/2003

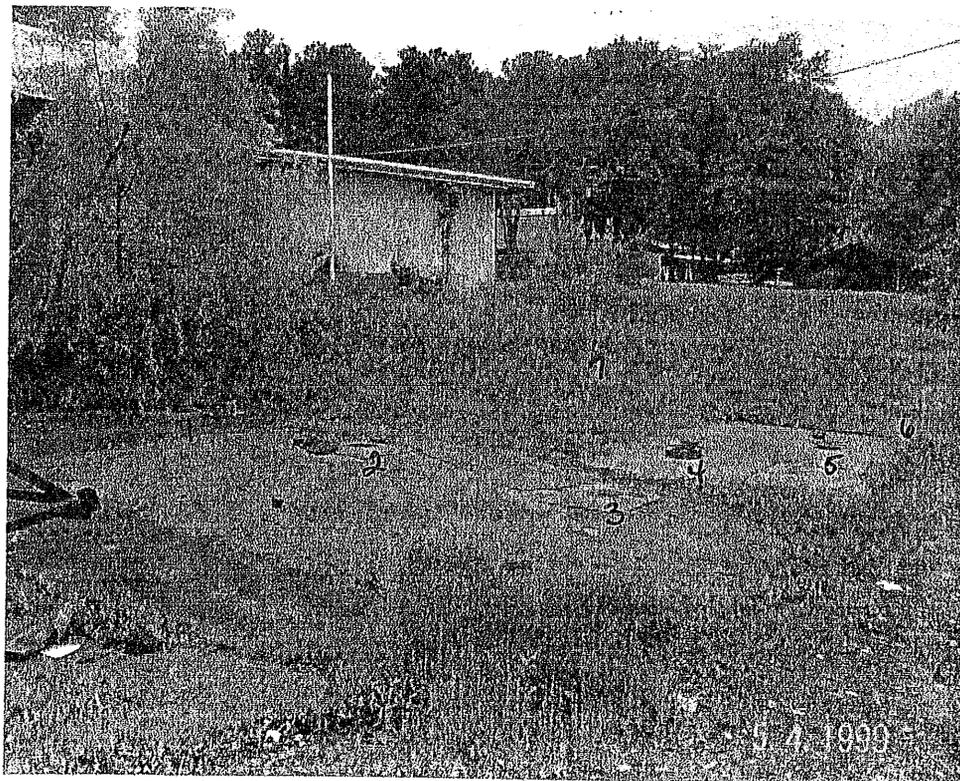
**Description:**

Picture of Part of  
Property Where all  
Seven USTs are  
Located

USTs Numbered

1-7

#5 Contains 21  
Inches of Regulated  
Substance



**Photograph #5**

**Taken By:**

Justin East

**Date:**

04/16/2003

**Description:**

Picture of Part  
of Property Where  
all Seven USTs  
are Located

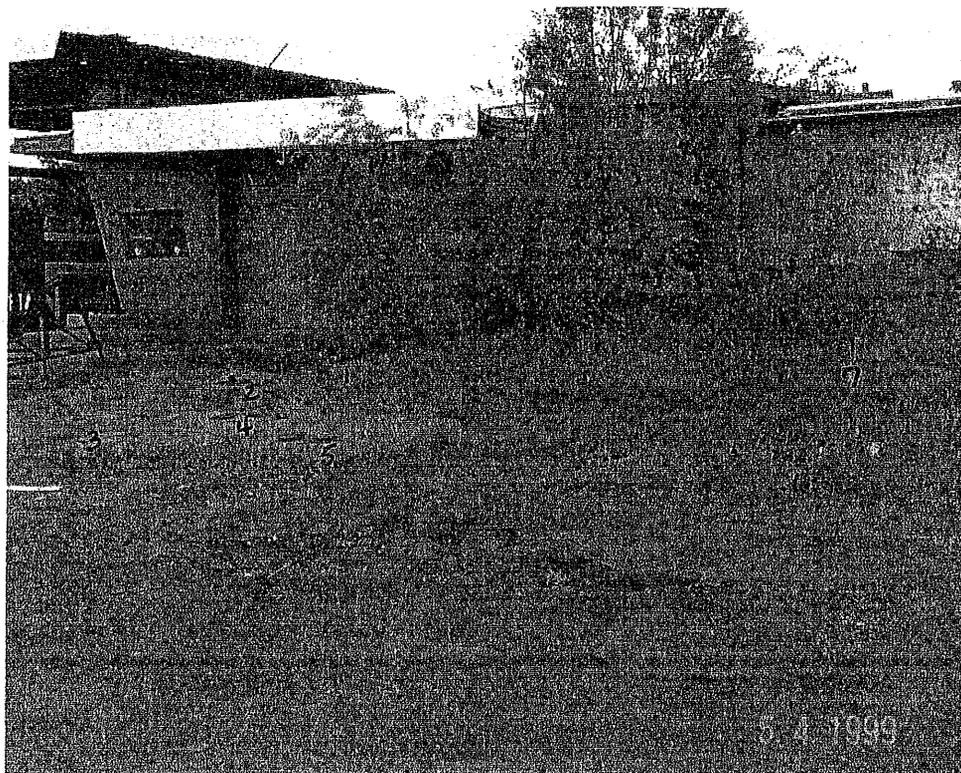
USTs Numbered

1-7

#5 Contains 21

Inches of Regulated

Substance



September 4, 2007.

JUDGE ROY SCUDDAY  
SOAH  
P.O. BOX 13025  
AUSTIN, TEXAS, 78711-3025

RE: SOAH DOCKET NO. 582-07-1206  
TCEQ vs. DILLON

DEAR JUDGE SCUDDAY:

This entire matter created by certain TCEQ employees against Sam Dillon, is an intentional illegal act predicated on fraud.

The property is not a gas station and has not been such since about 1995. And the property was bought by Dillon in 2002 and only farm produce was sold there, for a short time by a renter.

And only 21 inches of water coming in from the lid on top of the little 1000 gallon tank because the cap was missing is not illegal. And someone, not Dillon, took the little cap off just before the so-called investigation.

TCEQ was provided with all the paper-work showing the tanks were removed and that evidence together with much more is in the TCEQ Central File Room.

Moreover, there is some serious information and evidence with regards to the person whom you request Dillon...

"...shall submit copies of...to  
demonstrate compliance with..."

Keith Anderson was removed from service with TCEQ in Beaumont, Region 10, several months ago. And regarding matters of fraud by individuals the same will be filed in a federal court case. And that has been notified to TCEQ Commissioners several months ago. Recorded and filed USPS Certified Return Receipt.

Sincerely Yours,



SAM DILLON  
P.O. Box 254  
Timpson, Tx, 75975

936-254-3483

USPS CERTIFIED RETURN RECEIPT  
7006 0100 0007 0943 1053

cc: attorney  
senate and congress  
tceq