

William Templeton
 RN110435245
 Docket No. 2019-0618-MSW-E

Order Type:

Default Order (SOAH preliminary hearing)

Media:

MSW

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

415 South Eye Street, Harlingen, Cameron County

Type of Operation:

unauthorized disposal site

Other Significant Matters:

Additional Pending Enforcement Actions:	Cause No. D-1-GV-13-000507 (contempt)
Past-Due Penalties:	\$569.10 (2009-1975-MSW-E) \$199 (2019-0617-MSW-E)
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:

December 10, 2021

Comments Received:

None

Penalty Information**Total Penalty Assessed:** \$4,312**Total Paid to General Revenue:** \$119**Total Due to General Revenue:** \$4,193**Compliance History Classifications:**

Person/CN - Unsatisfactory
 Site/RN - Satisfactory

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

April 2014

William Templeton
RN110435245
Docket No. 2019-0618-MSW-E

Investigation Information

Complaint Date(s): April 3, 2018
Complaint Information: Complainant alleged an entity is improperly storing paint containers, that the entity is not an authorized facility and is storing thousands of old/expired paint containers and selling the paint. Also alleged this is occurring on two different properties.

Date(s) of Investigation: May 2, 2018 through June 4, 2018;
January 29, 2019 through February 12, 2019

Date(s) of NOV(s): August 3, 2018

Date(s) of NOE(s): April 12, 2019

Violation Information

Caused, suffered, allowed, or permitted the disposal of unauthorized MSW. [30 TEX. ADMIN. CODE § 330.15(a) and (c)]. Specifically, the MSW disposed of at the Site included approximately 25,900 gallons of waste paint and 1,536 aerosol cans of waste spray paint in compromised containers that have deteriorated to the point where the contents were visibly leaking onto the ground.

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
Respondent no longer operates the Site as of March 9, 2021.

Technical Requirements:
None

Litigation Information

Date Petition(s) Filed: November 7, 2019; December 12, 2019

Date Green Card(s) Signed: Unclaimed; January 2, 2020

Date Answer(s) Filed: January 16, 2020

SOAH Referral Date: January 26, 2021

Hearing Date(s):
Preliminary hearing: March 18, 2021

Contact Information

TCEQ Attorneys: Clayton Smith, Litigation Division, (512) 239-3400
Pranjal Mehta, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Danielle Porrás, Enforcement, (713) 767-3682

TCEQ Regional Contact: Francisco J. Chavero, Jr., Harlingen Regional Office, (956) 425-6010

Respondent Contact: William Templeton, 5301 West Business 83, Harlingen, Texas 78552

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	15-Apr-2019	Screening	24-Apr-2019	EPA Due	
	PCW	25-Apr-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	William Templeton				
Reg. Ent. Ref. No.	RN110435245				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	57635	No. of Violations	1
Docket No.	2019-0618-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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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	15.0% Adjustment	Subtotals 2, 3, & 7	\$562
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Notes: Enhancement due to one NOV with same/similar violations and unsatisfactory performer classification.

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: \$3,928
 Estimated Cost of Compliance: \$55,960
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,312
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,312
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,312
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$4,312
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Screening Date 24-Apr-2019

Docket No. 2019-0618-MSW-E

PCW

Respondent William Templeton

Policy Revision 4 (April 2014)

Case ID No. 57635

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110435245

Media Municipal Solid Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	1	5%
	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 judgments 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%
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)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement due to one NOV with same/similar violations and unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 24-Apr-2019 **Docket No.** 2019-0618-MSW-E **PCW**
Respondent William Templeton *Policy Revision 4 (April 2014)*
Case ID No. 57635 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN110435245
Media Municipal Solid Waste
Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 330.15(a) and (c)

Violation Description

Respondent caused, suffered, allowed, or permitted the disposal of unauthorized municipal solid waste ("MSW"). Specifically, the MSW disposed of at the Site included approximately 25,900 gallons of waste paint and 1,536 aerosol cans of waste spray paint in compromised containers that have deteriorated to the point where the contents were visibly leaking onto the ground.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 82 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the February 1, 2019 investigation to the April 24, 2019 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$3,928 **Violation Final Penalty Total** \$4,313

This violation Final Assessed Penalty (adjusted for limits) \$4,313

Economic Benefit Worksheet

Respondent William Templeton
Case ID No. 57635
Reg. Ent. Reference No. RN110435245
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$25,960	2-May-2018	9-Apr-2020	1.94	\$2,518	n/a	\$2,518
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$30,000	2-May-2019	9-Apr-2020	0.94	\$1,410	n/a	\$1,410

Notes for DELAYED costs

Estimated cost to dispose of the spray paint and paint containers and drums at a facility authorized to accept the waste (\$25,960). The Date Required in the initial investigation date and the Final Date is the estimated date of compliance. Estimated cost to submit a report demonstrating the applicability of Texas Risk Reduction Program ("TRRP") to the Executive Director and to comply with all applicable requirements of TRRP (\$30,000). The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$55,960

TOTAL \$3,928

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

Compliance History Report for CN603415829, RN110435245, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN603415829, William Templeton **Classification:** UNSATISFACTORY **Rating:** 218.65

Regulated Entity: RN110435245, Templeton Storage Site at 415 Eye Street **Classification:** SATISFACTORY **Rating:** 8.00

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 415 S EYE STREET HARLINGEN, TX 78550-6179, CAMERON COUNTY

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
R15110435245

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: April 24, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 24, 2014 to April 24, 2019

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

Name: Danielle Porras **Phone:** (713) 767-3682

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

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.

- 1 Date: 08/03/2018 (1497447)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)
- Description: Failure to comply with General Prohibition requirements stated in 30 TAC §330.15(c).
- Self Report? NO Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
30 TAC Chapter 330, SubChapter A 330.15(a)(1)
30 TAC Chapter 330, SubChapter A 330.15(a)(2)

Description: 30 TAC Chapter 330, SubChapter A 330.15(a)(3)
Failure to comply with General Prohibition requirements stated in 30 TAC §330.15(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

Component Appendices

Appendix A

All NOVs Issued During Component Period 4/24/2014 and 4/24/2019

1* Date: 08/03/2018 (1497447) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)

Description: Failure to comply with General Prohibition requirements stated in 30 TAC §330.15(c). Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
30 TAC Chapter 330, SubChapter A 330.15(a)(1)
30 TAC Chapter 330, SubChapter A 330.15(a)(2)
30 TAC Chapter 330, SubChapter A 330.15(a)(3)

Description: Failure to comply with General Prohibition requirements stated in 30 TAC §330.15(a).

* NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

Appendix B

All Investigations Conducted During Component Period April 24, 2014 and April 24, 2019

(1552969)

Item 1 April 12, 2019 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WILLIAM TEMPLETON;
RN110435245

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2019-0618-MSW-E

On _____, 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 AND 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 William Templeton ("Respondent").

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

FINDINGS OF FACT

1. Respondent operated an unauthorized disposal site located at 415 South Eye Street in Harlingen, Cameron County, Texas (the "Site"). The Site contains and/or involves the management of municipal solid waste ("MSW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. Following investigations conducted May 2 through June 4, 2018, and January 29 through February 12, 2019, TCEQ staff determined that Respondent caused, suffered, allowed, or permitted the disposal of unauthorized MSW. Specifically, the MSW disposed of at the Site included approximately 25,900 gallons of waste paint and 1,536 aerosol cans of waste spray paint in compromised containers that have deteriorated to the point where the contents were visibly leaking onto the ground.
3. The Executive Director recognizes that Respondent no longer operates the Site as of March 9, 2021.
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 William Templeton" (the "EDPRP") in the TCEQ Chief Clerk's office on December 12, 2019.
5. Respondent filed an answer requesting a hearing on January 16, 2020, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on January 26, 2021.
6. On February 10, 2021, the TCEQ Chief Clerk mailed notice of the March 18, 2021 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid, to Respondent.
7. On March 18, 2021, the Administrative Law Judge ("ALJ") convened the preliminary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
8. On March 23, 2021, the ALJ entered a finding that Respondent was served with proper notice of the hearing, as reflected in SOAH Order No. 2, and remanded the matter to the

Executive Director on April 12, 2021, so that TCEQ may dispose of this case on a default basis.

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 TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent caused, suffered, allowed, or permitted the disposal of unauthorized MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c).
3. As evidenced by Finding of Fact No. 5, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
4. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the preliminary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401 and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425, and 80.6.
5. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the preliminary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
6. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of four thousand three hundred twelve dollars (\$4,312.00) is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. 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 four thousand three hundred twelve dollars (\$4,312.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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 TCEQ and shall be sent with the notation "Re: William Templeton; Docket No. 2019-0618-MSW-E" to:

Financial Administration Division, Revenue Operations 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. 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.
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 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. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
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 fully executed 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF CLAYTON SMITH

“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 William Templeton” (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on December 12, 2019.

Respondent filed an answer requesting a hearing on January 16, 2020, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on January 26, 2021. On February 10, 2021, the TCEQ Chief Clerk mailed notice of the March 18, 2021 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid, to Respondent.

Respondent failed to appear at the hearing on March 18, 2021. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV’T CODE § 2001.056.

The ALJ granted the motion for dismissal in SOAH Order No. 2, issued on March 23, 2021, and remanded the matter to the Executive Director on April 12, 2021, so that TCEQ may dispose of this case on a default basis.”

"My name is Jesse Clayton Smith, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Williamson County,
State of Texas,
on the 1st day of November 2021

A handwritten signature in black ink, appearing to read "Jesse Clayton Smith".

Declarant