

Maria F. Valles a.k.a. Maribel Valles

RN106824428

Docket No. 2019-0709-MSW-E

Order Type:

Default Order (SOAH preliminary hearing)

Media:

MSW

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

off of Private Road D64, Poteet, Atascosa County (the "Site")

Type of Operation:

unauthorized municipal solid waste ("MSW") site

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2020-0165-MSW-E; 2020-0166-MSW-E; 2020-0167-MSW-E; and 2020-0177-MSW-E

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: None

Texas Register Publication Date:

July 22, 2022

Comments Received:

None

Penalty Information**Total Penalty Assessed:** \$1,312**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$1,312**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

April 2014

Investigation Information**Complaint Date(s):**

April 5, 2018

Complaint Information:

Alleged the dumping of over 500 boats on the property.

Date(s) of Investigation:

May 3, 2018; February 27, 2019 through March 8, 2019

Date(s) of NOV(s):

June 29, 2018

Date(s) of NOE(s):

May 3, 2019

Maria F. Valles a.k.a. Maribel Valles

RN106824428

Docket No. 2019-0709-MSW-E

Violation Information

Caused, suffered, allowed, or permitted the unauthorized disposal of MSW [30 TEX. ADMIN. CODE § 330.15(a) and (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 with Technical Requirement Nos. 1 and 2.

Litigation Information

Date Petition(s) Filed:

February 24, 2020; November 5, 2021

Date Green Card(s) Signed:

February 28, 2020; November 29, 2021

Date Answer(s) Filed:

December 7, 2021

SOAH Referral Date:

March 2, 2022

Hearing Date(s):

Preliminary hearing:

April 14, 2022 (Defaulted)

Contact Information

TCEQ Attorneys: John S. Mercurief II, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Hailey Johnson, Enforcement Division, (512) 239-1756

TCEQ Regional Contact: Cameron Lopez, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Maria F. Valles a.k.a. Maribel Valles, 5727 Medina Farm, San Antonio, Texas 78222; Maria F. Valles a.k.a. Maribel Valles, P.O. Box 677, Poteet, Texas 78065

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	13-May-2019	Screening	15-May-2019	EPA Due	
	PCW	28-Jan-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Maria F. Valles a.k.a. Maribel Valles
Reg. Ent. Ref. No.	RN106824428
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	57721	No. of Violations	1
Docket No.	2019-0709-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Hailey Johnson
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.

Compliance History	5.0% Adjustment	Subtotals 2, 3, & 7	\$62				
Notes	Enhancement for one NOV with same/similar violations.						
Culpability	No	0.0% Enhancement	Subtotal 4				
Notes	The Respondent does not meet the culpability criteria.						
Good Faith Effort to Comply Total Adjustments			Subtotal 5				
			\$0				
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; font-size: x-small;">Total EB Amounts</td> <td style="border: 1px solid black; text-align: center;">\$3,983</td> </tr> <tr> <td style="font-size: x-small;">Estimated Cost of Compliance</td> <td style="border: 1px solid black; text-align: center;">\$43,077</td> </tr> </table>		Total EB Amounts	\$3,983	Estimated Cost of Compliance	\$43,077	*Capped at the Total EB \$ Amount	
Total EB Amounts	\$3,983						
Estimated Cost of Compliance	\$43,077						

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,312
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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
			\$1,312

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,312
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DEFERRAL	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		\$1,312
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Screening Date 15-May-2019

Docket No. 2019-0709-MSW-E

PCW

Respondent Maria F. Valles a.k.a. Maribel Valles

Policy Revision 4 (April 2014)

Case ID No. 57721

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106824428

Media Municipal Solid Waste

Enf. Coordinator Hailey Johnson

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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 15-May-2019

Docket No. 2019-0709-MSW-E

PCW

Respondent Maria F. Valles a.k.a. Maribel Valles

Policy Revision 4 (April 2014)

Case ID No. 57721

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106824428

Media Municipal Solid Waste

Enf. Coordinator Hailey Johnson

Violation Number 1

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

Violation Description Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 2,953 cubic yards of MSW consisting of abandoned boat shells and approximately 170 scrap tires were disposed of at the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	5.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do 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 68

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the March 8, 2019 investigation end date to the May 15, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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 \$3,983

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent Maria F. Valles a.k.a. Maribel Valles
Case ID No. 57721
Reg. Ent. Reference No. RN106824428
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	\$43,077	3-May-2018	8-Mar-2020	1.85	\$3,983	n/a	\$3,983
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 unauthorized MSW (\$42,227) and tires (\$850) from the Site and dispose of it at an authorized facility. The Date Required is the initial 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

\$43,077

TOTAL

\$3,983

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.



TCEQ Compliance History Report

Compliance History Report for CN604342980, RN106824428, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN604342980, Valles, Maria F. **Classification:** SATISFACTORY **Rating:** 4.00

Regulated Entity: RN106824428, Property ID 20511531 **Classification:** SATISFACTORY **Rating:** 4.00
ABS A00718 J Quintana SV 1126 50.28
AC

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

CH Group: 14 - Other

Location: Site located off of Private Road D64 in Poteet, Atascosa County, Texas 78065

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE

NON-PERMITTED ID NUMBER F2152

MUNICIPAL SOLID WASTE NON-PERMITTED ID NUMBER

UNA455130388

INDUSTRIAL AND HAZARDOUS WASTE

NONPERMITTED ID NUMBER R13106824428

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

Date Compliance History Report Prepared: May 15, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 15, 2014 to May 15, 2019

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

Name: Hailey Johnson

Phone: (512) 239-1756

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
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: 06/29/2018 (1482188)
Self Report? NO Classification: Moderate
Citation: 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)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARIA F. VALLES A.K.A. MARIBEL
VALLES;
RN106824428**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2019-0709-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 & SAFETY CODE ch. 361, 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 Maria F. Valles a.k.a. Maribel Valles (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns an unauthorized municipal solid waste (“MSW”) site located off Private Road D64 in Poteet, Atascosa County, Texas (the “Site”). The Site contains and/or involves the management of MSW, including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During investigations conducted on May 3, 2018 and from February 27, 2019 through March 8, 2019, an investigator documented that Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, approximately 2,953 cubic yards of MSW consisting of abandoned boat shells and approximately 170 scrap tires were disposed of at the Site.
3. 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 Maria F. Valles a.k.a. Maribel Valles” (the “EDPRP”) in the TCEQ Chief Clerk’s office on November 5, 2021.
4. Respondent filed an answer requesting a hearing on December 7, 2021, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on March 2, 2022.
5. On March 16, 2022, the TCEQ Chief Clerk mailed notice of the April 14, 2022, preliminary hearing via certified mail, return receipt requested, and via first-class mail, postage prepaid, to Respondent.
6. On April 14, 2022, 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 that 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.
7. On April 21, 2022, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 2 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 unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c).
3. As evidenced by Finding of Fact No. 4, 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(b) and 30 TEX. ADMIN. CODE § 70.109.
4. As evidenced by Finding of Fact No. 5, 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(a) and (c)(3), 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. 6 and 7, 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(d), 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 one thousand three hundred twelve dollars (\$1,312.00) 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 one thousand three hundred twelve dollars (\$1,312.00) 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 that 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: Maria F. Valles a.k.a. Maribel Valles; Docket No. 2019-0709-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. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease disposal of any additional MSW at the Site;
 - b. Within 30 days after the effective date of this Order, remove all MSW from the Site and dispose of it at an authorized facility; and
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Corrective Action Ordering Provision Nos. 3.a. and 3.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Waste Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480

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.
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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. 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.

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. 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.
10. 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.
11. 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 JOHN S. MERCULIEF II

"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 Maria F. Valles a.k.a. Maribel Valles' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on November 5, 2021.

Respondent filed an answer requesting a hearing on December 7, 2021, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on March 2, 2022. On March 16, 2022, the TCEQ Chief Clerk mailed notice of the April 14, 2022 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 April 14, 2022. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing, and that the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(d), 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 remanded the matter to the Executive Director by SOAH Order No. 2, issued on April 21, 2022, so that TCEQ may dispose of this case on a default basis.

"My name is John S. Mercurief II, 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 Travis County,
State of Texas,
on the 1st day of July, 2022

A handwritten signature in black ink that reads "John S. Mercurief II".

Declarant