

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IHW

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

1407 Buena Vista Street, San Antonio, Bexar County

Type of Operation:

former dry cleaner 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:

March 10, 2023

Comments Received:

None

Penalty Information

Total Penalty Assessed: \$7,500

Total Paid to General Revenue: \$7,500

Total Due to General Revenue: \$0

Compliance History Classifications:

WEINRITTER REALTY, LP

Person/CN - Unclassified

Site/RN - Not Applicable

WRR COMMERCE LLC

Person/CN - Not Applicable

Site/RN - Not Applicable

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

April 2014

Investigation Information

Complaint Date(s): January 24, 2019

Complaint Information:

The complaint alleges groundwater contamination that originates from a former dry-cleaning facility that operated at the site.

Date(s) of Investigation: February 14, 2019

Date(s) of NOV(s): N/A

Date(s) of NOE(s): February 22, 2019

Violation Information

Allowed or permitted an unauthorized discharge of municipal hazardous waste (“MHW”) into or adjacent to any water in the state [TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE § 335.4].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Respondents have commenced an Affected Property Assessment of the Site;
2. Respondents submitted an Affected Property Assessment Report (“APAR”); however, the APAR is not complete; and
3. Respondents have begun implementing response actions on the Site.

Technical Requirements:

1. Within 30 days continue to conduct an Affected Property Assessment.
2. Within 75 days submit an APAR addendum to the Executive Director.
3. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the APAR within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.
4. If the Executive Director determines that the APAR indicates that response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program (“TRRP”) by the deadline prescribed by the Executive Director.
5. At least 10 business days prior to conducting any additional field work (including groundwater and soil sampling, well installations and repairs, onsite assessments, etc.) Respondents shall provide written notification.
6. Submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 4.

Litigation Information

Date Petition(s) Filed: March 10, 2021

Date Answer(s) Filed: April 2, 2021

SOAH Referral Date: May 6, 2021

Settlement Date: January 31, 2023

Contact Information

TCEQ Attorneys: Tracy Chandler, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement, (512) 239-2536

TCEQ Regional Contact: Jorge Salazar, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Daniella Ritter, Secretary of WEINRITTER INVESTMENTS, INC., General Partner of WEINRITTER REALTY, LP, 12715 Cranes Mill, San Antonio, Texas 78230 and Daniella Ritter, Managing Member, WRR COMMERCE LLC, 12715 Cranes Mill, San Antonio, Texas 78230

Respondent's Attorney: Cynthia J. Bishop, C Bishop Law PC, P.O. Box 612994, Dallas, Texas 75261



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	25-Feb-2019	Screening	6-Mar-2019	EPA Due	
	PCW	11-Apr-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	WEINRITTER REALTY, LP and WRR COMMERCE LLC				
Reg. Ent. Ref. No.	RN100634435				
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	57384	No. of Violations	1
Docket No.	2019-0842-IHW-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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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	\$6,233	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$50,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,500
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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	
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Final Penalty Amount	\$7,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,500
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$7,500
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Screening Date 6-Mar-2019

Docket No. 2019-0842-IHW-E

PCW

Respondent WEINRITTER REALTY, LP and WRR COMMERCE LLC

Policy Revision 4 (April 2014)

Case ID No. 57384

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100634435

Media Industrial and Hazardous Waste

Enf. Coordinator Karolyn Kent

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>)	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 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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 6-Mar-2019

Docket No. 2019-0842-IHW-E

PCW

Respondent WEINRITTER REALTY, LP and WRR COMMERCE LLC

Policy Revision 4 (April 2014)

Case ID No. 57384

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100634435

Media Industrial and Hazardous Waste

Enf. Coordinator Karolyn Kent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4 and Tex. Water Code § 26.121

Violation Description Respondents allowed or permitted an unauthorized discharge of municipal hazardous waste into or adjacent to any water in the state. Specifically, perchloroethylene, trichloroethylene, cis 1,2-dichloroethylene, and vinyl chloride were detected in concentrations above the Tier 1 Residential & Commercial /Industrial Groundwater Protective Concentration Limits for Class 3 Groundwater.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR Release Actual Potential Major Moderate Minor Harm Percent 30.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 0.0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 20

daily weekly monthly quarterly semiannual annual single event

Violation Base Penalty \$7,500

One monthly event is recommended from the February 14, 2019 investigation date to the March 6, 2019 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,233

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent WEINRITTER REALTY, LP and WRR COMMERCE LLC
Case ID No. 57384
Reg. Ent. Reference No. RN100634435
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	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
Remediation				0.00	\$0	n/a	\$0
TRRP/APAR	\$50,000	14-Feb-2019	12-Aug-2021	2.49	\$6,233	n/a	\$6,233
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an Affected Property Assessment Report to the Executive Director and to comply with all applicable requirements of the Texas Risk Reduction Program (\$50,000). The Date Required is the initial investigation date, and the Final Date is the estimated compliance date.

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 \$50,000

TOTAL \$6,233



Compliance History Report

Compliance History Report for CN604255232, RN100634435, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator:	CN604255232, WEINRITTER REALTY, LP	Classification:	UNCLASSIFIED	Rating:	-----
Regulated Entity:	RN100634435, ABC Cleaners	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	1407 BUENA VISTA STREET SAN ANTONIO, BEXAR COUNTY, TEXAS 78207-3909				
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s):					
IHW CORRECTIVE ACTION (SWR) 80107	SOLID WASTE REGISTRATION #	INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID NUMBER R13100634435			
Compliance History Period:	September 01, 2013 to August 31, 2018	Rating Year:	2018	Rating Date:	09/01/2018
Date Compliance History Report Prepared:	January 07, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 27, 2014 to August 27, 2019				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	John Fennell			Phone:	(512) 239-2616

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.
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



Compliance History Report

Compliance History Report for CN605818103, RN100634435, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator:	CN605818103, WRR COMMERCE LLC	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN100634435, ABC Cleaners	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	1407 BUENA VISTA ST SAN ANTONIO, TX 78207-3909, BEXAR COUNTY				
TCEQ Region:	REGION 13 - SAN ANTONIO				
ID Number(s):					
IHW CORRECTIVE ACTION (SWR) 80107	SOLID WASTE REGISTRATION #	INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID NUMBER R13100634435			
Compliance History Period:	September 01, 2013 to August 31, 2018	Rating Year:	2018	Rating Date:	09/01/2018
Date Compliance History Report Prepared:	January 26, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 27, 2014 to August 27, 2019				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	John Fennell			Phone:	(512) 239-2616

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.
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
WEINRITTER REALTY, LP AND WRR
COMMERCE LLC;
RN100634435

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-0842-IHW-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WEINRITTER REALTY, LP and WRR COMMERCE LLC ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by Cynthia J. Bishop of the law firm of C Bishop Law PC, presented this Order to the Commission.

Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondents agree to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Order are binding upon Respondents.

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

FINDINGS OF FACT

1. A dry cleaning business operated at 1407 Buena Vista Street in San Antonio, Bexar County, Texas¹ (the "Site") at least as early as September 2003. Respondents maintain on or around November 26, 2008, WEINRITTER REALTY, LP issued a loan to Paul Mauricio, the owner of the Site and operator of the dry cleaner. After the dry cleaning operation closed in 2010 and Mr. Mauricio defaulted on the loan, WEINRITTER REALTY, LP foreclosed on the Site.
2. WRR COMMERCE LLC now owns the Site. As a result of the historical dry cleaning operations, the Site contains municipal hazardous waste ("MHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Site is near or adjacent to water in the state as defined in TEX. Water Code § 26.001(5).
3. During a record review commenced on February 14, 2019, an investigator documented that Respondents allowed or permitted an unauthorized discharge of MHW into or adjacent to any water in the state. Specifically, perchloroethylene, trichloroethylene, cis 1,2-dichloroethylene and vinyl chloride were detected in concentrations above the Tier 1 Residential & Commercial/Industrial Groundwater Protective Concentration Limits for Class 3 groundwater.

¹ The Site is shown as Lots 19 and 20 on the attached survey (Exhibit A) and has also been known as 1409 Buena Vista.

4. The Executive Director recognizes that:
 - a. Respondents have commenced an Affected Property Assessment of the Site;
 - b. Respondents submitted an Affected Property Assessment Report ("APAR"); however, the APAR is not complete; and
 - c. Respondents have begun implementing response actions on the Site.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 3, Respondents allowed or permitted an unauthorized discharge of MHW into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE § 335.4.
3. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondents 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.
4. An administrative penalty in the amount of seven thousand five hundred dollars (\$7,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondents paid seven thousand five hundred dollars (\$7,500.00) of the penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all 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. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, continue to conduct an Affected Property Assessment pursuant to 30 TEX. ADMIN. CODE § 350.51.
 - b. Within 75 days after the effective date of this Order, submit an APAR addendum, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director at the following addresses:

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

and:

Corrective Action Team
Remediation Division, MC 127
Attn: Robert Anderson
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the APAR within 15 days after the date of such requests, or by any other deadline specified in writing by the TCEQ.
- d. If the Executive Director determines that the APAR indicates that response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program ("TRRP") (30 TEX. ADMIN. CODE ch. 350) by the deadline prescribed by the Executive Director.
- e. At least 10 business days prior to conducting any additional field work (including groundwater and soil sampling, well installations and repairs, onsite assessments, etc.) Respondents shall provide written notification to the addresses in Ordering Provision No. 2.f.
- f. Submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.d., by the deadline prescribed by the Executive Director. The certification shall be accompanied by detailed supporting documentation, such as photographs, analytical data, and/or other records, shall be signed by Respondents, 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, 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
14250 Judson Road
San Antonio, Texas 78233-4480

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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.

6. If Respondents fail 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, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondents have 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. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Charmari O'Brien

For the Executive Director

5/1/23

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Daniella R. Ritter

Signature - Daniella Ritter, Secretary of
WEINRITTER INVESTMENTS, INC, General Partner
of WEINRITTER REALTY, LP
12715 Cranes Mill
San Antonio, Texas 78230

JANUARY 31, 2023

Date

Daniella R. Ritter

Signature - Daniella Ritter, Managing Member
WRR Commerce LLC
12715 Cranes Mill
San Antonio, Texas 78230

JANUARY 31, 2023

Date

If mailing address has changed, please check this box and provide the new address below:

Attachment A



WASTEWATER EDU NOTE:
THE NUMBER OF WASTEWATER EQUIVALENT OWLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE SHOWN ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY DEVELOPMENT SERVICES DEPARTMENT.

SETBACK NOTE:
SETBACKS SHOWN ON THIS PLAT ARE AT THE DISCRETION OF THE DEVELOPER OR BEAR COUNTY AND ARE NOT SUBJECT TO ENFORCEMENT BY THE CITY OF SAN ANTONIO.

COMMON AREA MAINTENANCE NOTE:
THE MAINTENANCE OF ALL PRIVATE STREETS, OPEN SPACES, OR ORNAMENTAL PARKS, TREES, AND AREAS, DRAINAGE EASEMENTS AND EASEMENTS OF ANY OTHER NATURE WITHIN THIS SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OR THE PROPERTY OWNERS' ASSOCIATION, OR ITS SUCCESSORS OR ASSIGNS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO OR BEAR COUNTY.

EASEMENTS FOR FLOODPLAINS NOTE:
THE DRAINAGE EASEMENTS WERE DELINEATED TO CONTAIN THE LESSEES OF THE BEAUMONT'S OF THE 18 ANNUAL CHANGE (10-YEAR) FLOOD ZONE ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN ACCORDANCE WITH OPEN PANEL 48029C0395G DATED 9/29/2010 OR THE 18 ANNUAL CHANGE (10-YEAR) ULTIMATE DEVELOPMENT CONDITION WATER SURFACE ELEVATION OR THE 48 ANNUAL CHANGE (10-YEAR) ULTIMATE DEVELOPMENT FLOODPLAIN PLUS FREESIDE CONSTRUCTION IMPROVEMENTS OF STRUCTURES WITHIN THE DRAINAGE EASEMENTS AND FLOODPLAIN ARE PROHIBITED WITH-OUT PRIOR WRITTEN APPROVAL FROM THE FLOODPLAIN ADMINISTRATOR OF THE CITY OF SAN ANTONIO OR BEAR COUNTY.

IMPACT FEE PAYMENT NOTE:
WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

NON-RESIDENTIAL FINISHED FLOOR ELEVATION NOTE:
FINISHED FLOOR ELEVATIONS FOR NON-RESIDENTIAL STRUCTURES SHALL BE NO LESS THAN ONE FOOT ABOVE THE BASE FLOOD ELEVATION OF THE REGULATORY FLOODPLAIN (CITY OF SAN ANTONIO ULTIMATE DEVELOPMENT FLOODPLAIN). THE LOWEST ADJACENT GRADE SHALL BE AT OR ABOVE THE BASE FLOOD ELEVATION. FLOOD-PROOFING MAY BE ALLOWED IF ELEVATING THE STRUCTURE IS NOT FEASIBLE, IF APPROVED BY THE FLOODPLAIN ADMINISTRATOR OF THE CITY OF SAN ANTONIO.

INGRESS/EGRESS NOTE:
NO STRUCTURE, FENCES, WALLS OR OTHER OBSTRUCTIONS SHALL BE PLACED WITHIN THE LIMITS OF THE INGRESS/EGRESS EASEMENT SHOWN ON THIS PLAT.

DRAINAGE EASEMENT ENCROACHMENTS NOTE:
NO STRUCTURE, FENCES, WALLS OR OTHER OBSTRUCTIONS THAT IMPERE DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO JAMMING OR STRICT TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR ICD OR THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF SAN ANTONIO AND BEAR COUNTY SHALL HAVE THE RIGHT TO INGRESS AND EGRESS OVER THE GRANTEE'S ADJACENT PROPERTY TO REMOVE ANY IMPROVING OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.

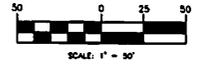
SAWS DEDICATION NOTE:
THE DEVELOPER DEDICATES THE SANITARY SEWER AND/OR WATER MAINS TO THE SAN ANTONIO WATER SYSTEM UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE SAN ANTONIO WATER SYSTEM.

PLAT NO. 22-1180006

SUBDIVISION PLAT OF

AUTOZONE STORE NO. 4658

BEING A TOTAL OF 1.711 ACRES OF LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS AND ESTABLISHED LOTS 19 AND 20, BLOCK 1, NEW CITY BLOCK 2310, BEING 1.534 ACRES, EXCLUSIVE OF A 0.157 ACRE RIGHT-OF-WAY DEDICATED TO THE CITY OF SAN ANTONIO, SAID 1.711 ACRE TRACT CONSISTING OF TRACT 1 AND A PORTION OF TRACT 8 AS DESCRIBED IN DOCUMENT NO. 2019028872, BEAR COUNTY OF D.M. PUBLIC RECORDS.



Westwood

Phone (210) 265-8300 1718 Dry Creek Way, Suite 110
Tel Fax (888) 937-6150 San Antonio, TX 78255
westwoodps.com

Westwood Professional Services, Inc.
TEPLS FIRM NO. 10194084 - TYPE FIRM NO. F-11758
STATE OF TEXAS REG. NO. 0578/2022
PROJECT NO. 00234178.00

STATE OF TEXAS, COUNTY OF BEAR, THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF THE EXHIBIT OR PART OF THE SANITARY SEWER, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREON EXPRESSED.

DAY AUTHORIZED AGENT: *[Signature]*
12711 CHAMBERLAIN, SAN ANTONIO, TX 78230
BOB RITTER, LICENSED

STATE OF TEXAS, COUNTY OF BEAR, BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED TO ME THE UNDERSIGNED, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT, AND CONSIDERATIONS THEREON EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 20 DAY OF May, 2022



THIS PLAT OF AUTOZONE STORE NO. 4658 HAS BEEN SUBMITTED TO THE CITY OF SAN ANTONIO, TEXAS, AND HAVING BEEN REVIEWED BY THE DIRECTOR OF DEVELOPMENT SERVICES, I HEREBY APPROVE IN ACCORDANCE WITH STATE OR LOCAL LAWS AND REGULATIONS, AND/OR WHERE ADMINISTRATIVE EXCEPTIONS HAVE BEEN GRANTED.

DATED THIS 14 DAY OF June, A.D. 2022

[Signature]
DIRECTOR OF DEVELOPMENT SERVICES

STATE OF TEXAS, COUNTY OF BEAR, I, LUCY ADAME-CLARK, COUNTY CLERK OF BEAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE AND DULY RECORDED IN THE PLAT RECORDS OF BEAR COUNTY ON: 7/1/2022 8:59:44 AM
PLAT VOLUME: 20002 PAGE: 2022
AMOUNT: \$22.00
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE.
COUNTY CLERK, BEAR COUNTY, TEXAS

[Signature] DEPUTY



- LEGEND:**
- EXISTING CENTER PROPOSED CENTER
 - FLOODPLAIN LIMIT ULTIMATE FLOODPLAIN LPL
 - NOT TO SCALE
 - TELEPHONE, GAS TELEPHONE, & CABLE TELEVISION EASEMENT
 - BEARING STRIKES
 - FINISHED FLOOR ELEVATION
 - NEW CITY BLOCK
 - CONCRETE
 - DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS
 - OTHER PUBLIC RECORDS OF BEAR COUNTY, TEXAS
 - VOLUME
 - PAGE
 - RIGHT OF WAY
 - SET MONUMENTS HEREIN ARE 6" IRON RODS WITH DRINK PLUGS CAPS STAMPED WESTWOOD 4658
 - FOUND 1/2" IRON UNLESS OTHERWISE NOTED
 - 14' EASEMENT
 - 20' GRADING STRIP
 - 27' ± IF SHOWN HEREIN UNLESS OTHERWISE NOTED
 - 7' ± IF OTHERWISE NOTED
 - VARIABLE WITH PUBLIC DRAINAGE EASEMENT

SURVEYOR'S NOTES:

- BEARINGS ARE BASED ON THE TEXAS STATE PLATE COORDINATE SYSTEM FOR THE SOUTH CENTRAL ZONE, 1983, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT DIMENSIONS AND EXTERNAL VALUES SHOW HEREON ARE SURFACE UTILIZING A COMBINED SCALE FACTOR OF 1.000496086613 (GRID TO SURFACE) APPLIED AT N 13702754.47 E 21232071.01
- SET MONUMENTS HEREIN ARE 6" IRON RODS WITH ORANGE PLASTIC CAPS STAMPED WESTWOOD 4658

OPS/ SAWS/ COSA/ UTILITY NOTES:

- THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DEPICTED ON THIS PLAT AS "ELECTRIC EASEMENT", "WATER EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", "GAS EASEMENT", "TRANSMISSION EASEMENT", "WATER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, IMPROVING, PATROLING AND OPERATING INFRASTRUCTURE AND SERVICE FACILITIES FOR THE PURPOSES DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTEE'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SAID INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENCOMPASS OR MAY INTERFERE WITH THE OPERATION OF SAID SAWS, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES, NO BUILDINGS, STRUCTURES, CONCRETE SLABS OR WALLS SHALL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
- ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES LOCATED WITHIN SAID FLOODPLAIN DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
- THIS PLAT DOES NOT AFFECT, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

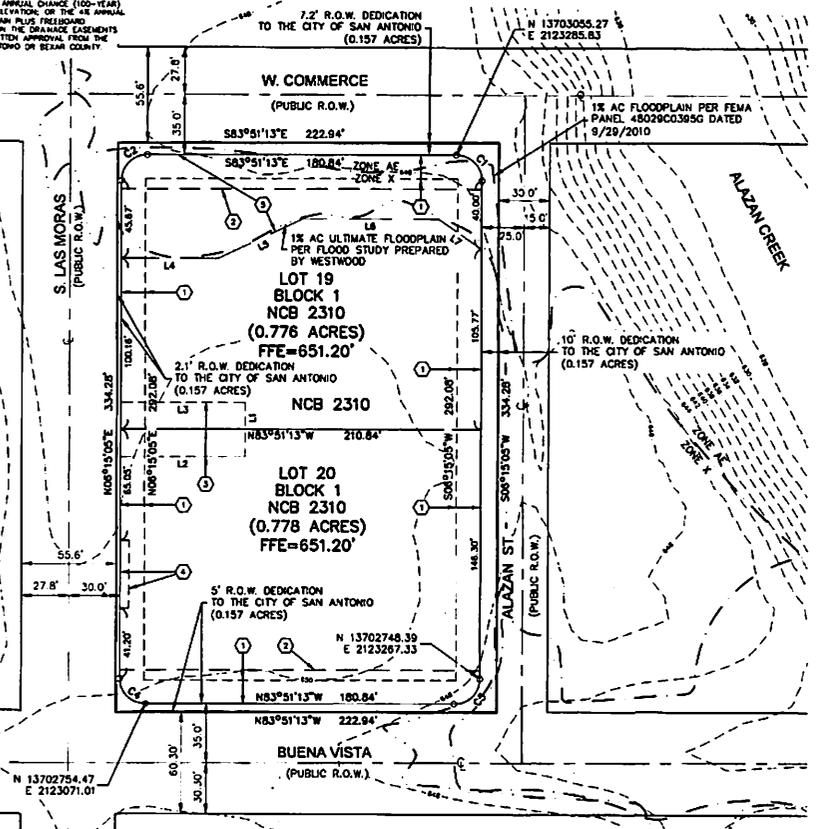
STATE OF TEXAS, COUNTY OF BEAR, I HEREBY CERTIFY THAT THE ABOVE PLAT COMFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY:

[Signature]
ETHAN C. OELKE
18226
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6826



STATE OF TEXAS, COUNTY OF BEAR, I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO THE REQUIREMENTS OF THE HENRY HUBBARD PLAT CODE, EXCEPT FOR THOSE VARIANTS GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

[Signature]
LICENSED PROFESSIONAL ENGINEER



LINE TABLE

LINE	LENGTH	DIRECTION
L1	32.00'	S89°51'13"W
L2	73.00'	N83°51'13"W
L3	73.00'	S33°31'13"E
L4	56.75'	N83°44'55"W
L5	25.00'	S71°01'47"W
L6	78.22'	N83°31'13"W
L7	32.44'	N44°44'38"W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	33.96'	15.00'	80°00'18"	S30°40'04"E	21.37'
C2	23.53'	15.00'	80°00'18"	N31°17'36"W	21.19'
C3	23.53'	15.00'	80°00'18"	S21°17'36"W	21.19'
C4	23.56'	15.00'	80°00'18"	N31°40'04"W	21.37'

DOC. NUMBER: 20220163428

RECORDER'S LEGAL OPINION: THIS INSTRUMENT HAS BEEN FOUND TO BE VALID AND CORRECTLY EXECUTED BY THE GRANTEE(S) AS A TRUE AND CORRECT COPY, UNLESS OTHERWISE NOTED.

PLAT NO. 22-1180006, 11 Pages, Date: 07/01/2022, 11:05am, User: O. Coleman, County: BEAR, Instrument: PLAT, Instrument No.: 20220163428