### **Order Type:**

Default Order (SOAH preliminary hearing)

### Media:

MLM: PST, MSW, and Used Oil

### **Small Business:** Yes

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

440 Pinn Road, San Antonio, Bexar County

### **Type of Operation:**

**Complaint Date(s):** 

underground storage tank ("UST") system and a construction warehouse

# Other Significant Mattere

Other Significant Matters:	
Additional Pending Enforcement Ac	ctions: None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None
<b>Texas Register Publication Date:</b>	June 9, 2023
Comments Received:	None
	Penalty Information
Total Penalty Assessed:	\$52,197
Total Paid to General Revenue:	<b>\$</b> 0
Total Due to General Revenue:	\$52,197
<b>Compliance History Classifications:</b> Person/CN - High Site/RN - High	
Major Source:	Yes; No
Statutory Limit Adjustment:	None
Applicable Penalty Policy:	April 2014
	Investigation Information

April 9, 2019 *Complaint Information*: The complaint alleges an oil discharge from the facility and storage of a large quantity of tires.

Date(s) of Investigation:	May 2, 2019 and May 6, 2019
Date(s) of NOV(s):	N/A
Date(s) of NOE(s):	July 1, 2019

#### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57967 OLMOS EQUIPMENT, INC. RN101381820 Docket No. 2019-0973-MLM-E

### Violation Information

- 1. Failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs [30 Tex. ADMIN. CODE § 37.815(a) and (b)].
- 2. Failed to ensure the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(2)].
- 3. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [Tex. WATER CODE § 26.3475(c)(1) and 30 Tex. ADMIN. CODE § 334.50(b)(1)(A)].
- 4. Failed to provide release detection for the pressurized piping associated with the UST system [Tex. WATER CODE § 26.3475(a) and 30 Tex. ADMIN. CODE § 334.50(b)(2)].
- 5. Failed to maintain containers used to store used oil in good condition and not leaking [Tex. Health & SAFETY CODE § 371.041, 30 Tex. ADMIN. CODE § 324.4(1), and 40 C.F.R. § 279.22(b)].
- 6. Failed to clean up and properly manage a release of used oil [30 TEX. ADMIN. CODE § 324.15 and 40 C.F.R. § 279.22(d)(3)].
- 7. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW [30 Tex. ADMIN. CODE § 330.15(c)].

### **Corrective Actions/Technical Requirements**

### Corrective Action(s) Completed:

As of August 26, 2020, Respondent no longer owns or operates the Facility.

**Technical Requirements:** None

	Litigation Information			
Date Petition(s) Filed:	July 21, 2022			
Date(s) of Service:	unclaimed			
Date Answer(s) Filed:	August 12, 2022			
SOAH Referral Date:	February 6, 2023			
Hearing Date(s): Preliminary hearing:	April 13, 2023 (defaulted)			
Evidentiary hearing:	N/A			

# **Contact Information**

**TCEQ Attorneys:** Megan Grace, 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: Sushil Modak, Enforcement Division, (512) 239-2142

TCEQ Regional Contact: Jack Higginbotham, San Antonio Regional Office, (210) 490-3096

**Respondent Contact:** Larry Struthoff, Director, OLMOS EQUIPMENT, INC., 84 Pine Trail, Higden, Arkansas 72067

Respondent's Attorney: N/A

	Policy Revision 4 (Ap		nalty Cal	lculatio	n Worksl	heet (PC	•	Revision March 26, 2014	
TCEQ DATES	PCW	8-Jul-2019 9-Mar-2022	Screening 1	.5-Jul-2019	EPA Due				
Re					Major/N	Minor Source	Minor		
CASE I	NFORMATION If./Case ID No.		F			of Violations Order Type	3		
	lia Program(s) Multi-Media	Petroleum Storag Waste Tires and	je Tank Used Oil	avimum	Enf.	t/Non-Profit Coordinator			
	Admin. Penalty \$ Limit Minimum       \$0       Maximum       \$25,000         Penalty Calculation Section								
	STMENTS (+, Subtotals 2-7 are ob	LTY (Sum of /-) TO SUBTO stained by multiplying	TAL 1	alty (Subtotal 1	L) by the indicated p		Subtotal 1	\$8,750	
	Compliance Hi	-	eduction for Hig	-10.0% Jh Performer		Subto	tals 2, 3, & 7	-\$875	
	Culpability Notes	No The Res	spondent does	0.0%	Enhancement	eria.	Subtotal 4	\$0	
	Good Faith Effe	ort to Comply To	otal Adjustme	nts			Subtotal 5	\$0	
	Economic Bene Estimated	<b>efit</b> Total EB Amounts Cost of Compliance	<u>\$17,392</u> \$15,590		Enhancement* ed at the Total EB \$	Amount	Subtotal 6	\$4,375	
	OF SUBTOTAL	LS 1-7 AS JUSTICE M		F	149.1%	F	inal Subtotal Adjustment	\$12,250 \$18,267	
		Subtotal by the indice Recommended e associated with t	ated percentage. enhancement to	capture the	e avoided cost o			<i><i><i></i></i></i>	
STAT	UTORY LIMIT	ADJUSTMEN	т	, <b>,</b>			alty Amount ssed Penalty	\$30,517 \$30,517	
DEFEI Reduces t		nalty by the indicated	percentage.		0.0%	Reduction	Adjustment	\$0	
	Notes	Defer	ral not offered	for non-expe	edited settlemer	nt.			
PAYA	BLE PENALT	1						\$30,517	

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

PCW

Docket No.	2019-0973-MLM-E
DUCKEL NU.	2019-09/J-MILM-E

Screening Date 15-Jul-2019 Do Respondent OLMOS EQUIPMENT, INC.

Case ID No. 57967

**Reg. Ent. Reference No.** RN101381820

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

### **Compliance History Worksheet**

Compliance History Site Enhancement (Subtotal 2) >> Number Component Number of... Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 0 0% the current enforcement action (number of NOVs meeting criteria) NOVs Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 0 ٥% orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 ٥% Judaments consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 ٥% counts) Emissions Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were 0 0% disclosed) Environmental management systems in place for one year or more No ٥% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 0% >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

**High Performer** 

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10% >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% -10%

		ening Date	15-Jul-2019 OLMOS EQUIPMENT, INC.	Docket No. 2019-0973-MLM	
	C	ase ID No.	57967		Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. E	Ent. Ref		RN101381820 Petroleum Storage Tank		
	Enf. C		Berenice Munoz		
	Viola	ation Number	1		
		Rule Cite(s)	30 Tex.	Admin. Code § 37.815(a) and (b)	
	Violatio	n Description	compensating third parti	ancial assurance for taking corrective act es for bodily injury and property damage g from the operation of the petroleum un storage tanks ("USTs").	caused by
				I	Base Penalty \$25,000
>> Env	ironmer	ntal, Propei	ty and Human Health	Matrix	
OR		<b>Release</b> Actual Potential	Harm Major Moderate	Minor Percent 0.0	0%
>>Prog	ramma	tic Matrix			
	[	Falsification	Major Moderate	Minor Percent 5.0	0%
	Matrix Notes		100% of the rul	e requirement was not met.	
				Adjustment	\$23,750
					\$1,250
Violatio	n Event	s			
		Number of N	/iolation Events 1	1109 Number of violat	ion days
			daily weekly monthly quarterly semiannual annual single event X	Violation I	Base Penalty \$1,250
			One single (	event is recommended.	
Good Fa	aith Effo	orts to Com		<u>L</u>	Reduction \$0
			Before NOE/NOV Extraordinary Ordinary N/A X	NOE/NOV to EDPRP/Settlement Offer	
			Notes The Respond	ent does not meet the good faith criteria this violation.	for
				Violat	tion Subtotal \$1,250
Econom	nic Bene	efit (EB) for	this violation	Statutory Li	mit Test
		Estimate	ed EB Amount	\$12,463 Violation Final F	Penalty Total \$4,360
			This viol	ation Final Assessed Penalty (adjuste	ed for limits) \$4,360

	E	conomic	Benefit	Wo	rksheet		
Respondent							
Case ID No.	-	HEINI, INC.					
Reg. Ent. Reference No.							
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
Them. Description		Dute Required	That Date		Interest Savea		ED Amount
Item Description							
Delayed Costs				1			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction		<u> </u>		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Avoided Costs	ΔΝΝΠ	VI IZE avoided co	osts before en	terina	item (except for	one-time avoide	d costs)
Avoided Costs	ANNU	ALIZE avoided co	osts before en		<u> </u>	r one-time avoide	
Disposal	ANNU	ALIZE avoided co	osts before en	0.00	\$0	\$0	\$0
Disposal Personnel	ANNU	ALIZE avoided co	osts before er	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel nspection/Reporting/Sampling		ALIZE avoided co	osts before er	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel inspection/Reporting/Sampling	ANNU/	ALIZE avoided co	osts before en	0.00 0.00 0.00 0.00 4.16	\$0 \$0 \$0 \$0 \$0 \$1,491	\$0 \$0 \$0 \$0 \$10,972	\$0 \$0 \$0 \$0 \$12,463
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	\$2,640 Estimated	I Jul-2016 avoided cost to pr	26-Aug-2020 rovide financial a	0.00 0.00 0.00 4.16 0.00 0.00	\$0 \$0 \$0 \$1,491 \$0 \$0 ce for four USTs (	\$0 \$0 \$0 \$0 \$10,972 \$0	\$0 \$0 \$0 \$12,463 \$0 \$0 ). The Date

		ening Date		<b>Docket No.</b> 2019-0973-MLM-E	PCW
			OLMOS EQUIPMENT, INC.		y Revision 4 (April 2014)
Rea		Case ID No.	57967 RN101381820	PCW	Revision March 26, 2014
Keg.			Petroleum Storage Tank		
	Enf. C	oordinator	Berenice Munoz		
	Viola	ation Number	2		
		Rule Cite(s)	30 Tex. Admin. Code	§ 334.49(a)(2) and Tex. Water Code § 26.3475(d)	
	Violatio	n Description		prrosion protection system is operated and maintained in continuous corrosion protection. Specifically, the rectifier was inactive.	
				Base Penalty	\$25,000
>> Env	vironme	ntal, Proper	ty and Human Health	Matrix	
			Harm		
OR		Release Actual	Major Moderate	Minor	
ÖN		Potential		Percent 15.0%	
			r <u> </u>		
>>Pro	gramma	tic Matrix Falsification	Major Moderate	Minor	
		Taisincation		Percent 0.0%	
					-
	Matrix Notes			could be exposed to pollutants that would exceed levels environmental receptors as a result of the violation.	
				Adjustment \$21,250	
				······································	\$3,750
					\$3,730
Violati	on Event	ts			
		Number of \	/iolation Events 1	70 Number of violation days	
			daily weekly		
			monthly		
			quarterly X	Violation Base Penalty	\$3,750
			semiannual annual	4	
			single event	j	
					ন
		One quarterly		the May 6, 2019 investigation date to the July 15, 2019	
			S	screening date.	
Good F	aith Eff	orts to Com	<b>ply</b> 0.0%	Reduction	\$0
			Before NOE/NOV		<del>+</del> -
			Extraordinary		
			Ordinary		
			N/A <u>X</u>	J	
			Notes The Respon	dent does not meet the good faith criteria for this violation.	
				Violation Subtota	\$3,750
Econor	mic Bene	efit (EB) for	this violation	Statutory Limit Test	
		Estimate	ed EB Amount	\$3,198 Violation Final Penalty Tota	\$13,079
			This vio	olation Final Assessed Penalty (adjusted for limits)	\$13,079
					+20,075

EQUIPMENT, INC. 181820 Jum Storage Tank Cost Date Required	d Final Date	Yrs	Interest Saved	Percent Interest 5.0 Costs Saved	Years of Depreciation 15 EB Amount
81820 um Storage Tank	d Final Date	Yrs	Interest Saved	5.0	Depreciation
ım Storage Tank	d Final Date	Yrs	Interest Saved	5.0	Depreciation
ım Storage Tank	d Final Date	Yrs	Interest Saved	5.0	Depreciation
-	d Final Date	Yrs	Interest Saved	5.0	Depreciation
Cost Date Require	d Final Date	Yrs	Interest Saved	5.0	15
Cost Date Required	d Final Date	Yrs	Interest Saved		
Cost Date Required	d Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
					LD / mount
	<u></u>				
	]]				
					1.0
		0.00	\$0	\$0	\$0
		0.00	\$0	\$0 ¢0	\$0
		0.00	\$0 \$0	\$0 \$0	\$0
					\$0 \$0
					<u>\$0</u> \$0
					<u>\$0</u> \$0
					\$0
i					\$0
					\$0
ANNUALIZE avoided	costs before en		<u> </u>		
					\$0
		0.00	\$0		
				\$0	\$0
		0.00	\$0	\$0	\$0
		0.00	\$0 \$0	\$0 \$0	\$0 \$0
		0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
000 6-May-2019	26-Aug-2020	0.00	\$0 \$0	\$0 \$0	\$0 \$0
	ANNUALIZE avoided	ANNUALIZE avoided costs before en	0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00           0.00	0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0           0.00         \$0	0.00         \$0         n/a           0.00         \$0         n/a

Respondent     ONROS EQUIPMENT, INC.     PARKy Review (1 (dot 20.0))       Reg. Ent. Reference No. RNI0138120     Media Techolom Nuclo 25.001     CMC Review Nucl 25.001       Media Techolom Number     3     Technic Core (1 and 1 and			ening Date		Docket No. 2019-0973-MLM-E	PCW	
Reg. Ent. Reference No. RM:01381200         Media Petroleum Storage Tank         Enf. Coordinator         Bernick Munoz         30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)         Fielde to monitor the USTs in a manner which will detect a release at a frequency of at longing sex. 20 days. with the UST even prime Statistical to the day not conduct the annual line leak detector and piping tightness tests.         Base Penalty       \$25,000         >> Environmental, Property and Human Health Matix         Human Actual       Moderate         Most       Minor         OR       Actual         Protential       Yuo attrix         Feldication Major       Minor         OR       Actual         Matrix       Human health Matix         Percent       0.0%         Matrix       Human health on the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.         Violation Events       1         Cone quarterly event is recommended from the May 6, 2019 Investigation days         Good Faith Efforts to Comply       Image with the US (S) (Minor is DRR/Gettimerer Orer Ordinary         Violation Subtotal       53,750         Forein and angle event       Socond faith criteria for this viola							
Media Petroleum Storage Tank         Violation Number 3         Violation Number 30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 263.4275(a) and (c)(1)         Provide the second of the USTs in a manner which will detect a release at a frequency of at least one way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads, failed to provide release detection for the presource way. 30 days. Ads. Ads. Ads. Ads. Ads. Ads. Ads. Ad	Rea				PC	W Revision March 26, 2014	
Enf. Coordinator Breenice Munor         Violation Number         30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(2)         Violation Description         Pelled to monitor the USTs in a manner which will detect a release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of a least once every 30 days. Also, failed to provide release at a frequency of metal. Property and Human Health Matrix         OR       Release       Major       Moderate       Minor         OR       Actual       Major       Percent       0.0%         Netrix       Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.       433,750         Violation Events       1       70       Number of violation days         Using event       1       70       Number of violation days         Using event       1       70       Number of violation days         Using event       1       70<	Reg.	LIIL KEI					
Rule Cite(s)       30 Tex. Adam. Code § 334-50(h)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)         Violation Description       Failed to monitor the USTs is a manner which will detect a release at a frequency of a release at a frequency of a release of detection for the pressured physica sociated with the UST system. Specifically, the Respondent dd not conduct the annual line leak detector and piping tightness tests.         OR       Release       Major       Moderate       Minor         OR       Release       Major       Moderate       Minor         Potential       X       Percent       15.0%         >> Programmatic Matrix       Failed to monitor the environment will or could be exposed to pollutants that would exceed levels         Notes       thus are protective of human health or environmental receptors as a result of the violation         Violation Events       1       20       Number of violation days         Violation Events       1       20       S3,750         Violation Events       1       20       Number of violation days         Good Faith Efforts to Comply       Cologs       Reduction       59,750         Violation Subtotal       50,750       Statutory Limit Test       51,750         Ectoronic Benefit (EB) for this violation       Statutory Limit Test       Estimated EB Amount       51,731		Enf. C		0			
S 26,3475(a) and (c(1)         Failed to monitor the USTs in a manner which will detext a release at a frequency of at less one every 30 days. Also, failed to provide release date faction for the pressured piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping associated with the UST system. Specifically, the Respondent detector as a result of the violation.         Violation Events         Violation Events         Number of Violation Events <td col<="" th=""><th></th><th>Viola</th><th>tion Number</th><th></th><th></th><th></th></td>	<th></th> <th>Viola</th> <th>tion Number</th> <th></th> <th></th> <th></th>		Viola	tion Number			
Violation Description         Pailed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days. Also, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.         See Penalty       \$25,000         >> Environmental, Property and Human Health Matrix       Marm         Name         OR       Release       Major         Note that ix       Percent       15.0%5         >> Programmatic Matrix       Percent       0.0%6         Marm         Mark							

OLMOS EQUIP	MENT, INC.					
57967						
RN101381820						
	rage Tank					Years of
	lage rank				Percent Interest	Depreciation
5					FO	15
Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
			_			
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00			\$0
			0.00		\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00		n/a	\$0
			0.00	\$0	n/a	\$0
ANNUA	LIZE avoided c	osts before en	terina	item (except for	r one-time avoide	d costs)
ANNUA	ALIZE avoided c	osts before en		<u> </u>	r <b>one-time avoide</b>	
ANNUA	ALIZE avoided c	osts before en	0.00	\$0	\$0	\$0
ANNUA	ALIZE avoided c	osts before en	0.00	\$0 \$0	\$0 \$0	\$0 \$0
ANNU	ALIZE avoided c	osts before en	0.00	\$0	\$0	\$0
ANNU#	ALIZE avoided c	osts before en	0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
ANNUA	ALIZE avoided c	osts before en	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
	6-May-2019		0.00 0.00 0.00 0.00 0.00 1.31	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
\$1,500 \$118 Estimated avo to conduct ti	6-May-2019 6-May-2019 6-May-2018 bided cost to impl he annual line lea	26-Aug-2020 26-Aug-2020 ement a release k detector and ar prior to the ir	0.00 0.00 0.00 0.00 1.31 2.31 e detect piping t	\$0 \$0 \$0 \$0 \$99 \$14 ion method for the ightness tests (\$1	\$0 \$0 \$0 \$0 \$0 \$0 \$1,500	\$0 \$0 \$0 \$0 \$1,599 \$132 ( (\$1,500) and uired are the
\$1,500 \$118 Estimated avo to conduct ti	6-May-2019 6-May-2019 6-May-2018 bided cost to impl he annual line lea	26-Aug-2020 26-Aug-2020 ement a release k detector and ar prior to the ir	0.00 0.00 0.00 0.00 1.31 2.31 e detect piping t	\$0 \$0 \$0 \$0 \$99 \$14 ion method for the ightness tests (\$1 ation date, respect	\$0 \$0 \$0 \$0 \$1,500 \$118 USTs at the Facility 18). The Dates Req	\$0 \$0 \$0 \$0 \$1,599 \$132 (\$1,500) and uired are the
	57967 RN101381820 Petroleum Stor 3	57967 RN101381820 Petroleum Storage Tank	57967 RN101381820 Petroleum Storage Tank 3	57967 RN101381820 Petroleum Storage Tank 3  Item Cost Date Required Final Date Yrs	57967         RN101381820         Petroleum Storage Tank         3         Item Cost       Date Required       Final Date       Yrs       Interest Saved	57967       RN101381820         Petroleum Storage Tank       Percent Interest         3       5.0         Item Cost       Date Required       Final Date       Yrs       Interest Saved       Costs Saved

	Policy Revision 4 (Ap		nalty Calc	ulatio	n Worksh	neet (PC	-	Revision March 26, 2014
DATES	Assigned PCW	8-Jul-2019 9-Mar-2022	Screening 15-	Jul-2019	EPA Due			
Reg					Major/M	linor Source	Minor	
En Med	lia Program(s)	2019-0973-MLM Used Oil Petroleum Stora	ge Tank and Waste	e Tires	Government	Coordinator	1660	
			•		tion Sectio	on		10.170
	STMENTS (+, Subtotals 2-7 are of	/-) TO SUBT(	violation bas	y (Subtotal 1)			Subtotal 1	\$9,150
	Compliance Hi		eduction for High	-10.0% Performer	Adjustment	Subto	tals 2, 3, & 7	-\$915
		No The Pe	spondent does not	0.0%	Enhancement	vria	Subtotal 4	\$0
	Notes Good Faith Effe		otal Adjustment				Subtotal 5	\$0
	Economic Bene Estimated	<b>Efit</b> Total EB Amounts Cost of Compliance	\$3,450 \$3,236		Enhancement* d at the Total EB \$ A	Amount	Subtotal 6	\$0
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$8,235
		Subtotal by the india Recommended	enhancement to c the violations and				Adjustment	\$4,365
STATI				istory.			alty Amount ssed Penalty	\$12,600 \$12,600
DEFE	RRAL	nalty by the indicated		[	0.0%	Reduction	Adjustment	\$0
	Notes		rral not offered for	non-expe	dited settlemen	t.		
PAYA	BLE PENALT	1						\$12,600

		orders meeting criteria )	0	0%	1		
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orde without a denial of liability, or default orders of this state or the feder government, or any final prohibitory emergency orders issued by the commissio	al O	0%	l		
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a deni of liability of this state or the federal government ( <i>number of judgments of</i> <i>consent decrees meeting criteria</i> )	or 0	0%	l		
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicate final court judgments or consent decrees without a denial of liability, of this sta or the federal government		0%	l		
	Convictions	Any criminal convictions of this state or the federal government ( <i>number a counts</i> )	of 0	0%	1		
	Emissions	Chronic excessive emissions events (number of events)	0	0%	1		
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislatur 1995 (number of audits for which notices were submitted)		0%	I		
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Auc Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations wer</i> <i>disclosed</i> )		0%	I		
		Environmental management systems in place for one year or mare	Ne	00/	l.		
		Environmental management systems in place for one year or more	No	0%	1		
	Voluntary on-site compliance assessments conducted by the Other under a special assistance program		No	0%	l		
		Participation in a voluntary pollution reduction program	No	0%	1		
		Early compliance with, or offer of a product that meets future state or feder government environmental requirements	al No	0%	l		
		Adjustment P	ercentage (Sub	total 2)	0%		
>> Re	epeat Violator	Subtotal 3)					
	No	Adjustment P	ercentage (Sub	total 3)	0%		
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)					
	High Perf	ormer Adjustment P	ercentage (Sub	total 7)	-10%		
>> Compliance History Summary							
	Compliance History Notes	Reduction for High Performer classification.					
		Total Compliance History Adjustment Percentage	(Subtotals 2,	3, & 7)	-10%		
>> Fina	al Compliance	History Adjustment	<b>1</b>		1001		
		Final Adjustment Percer	itaye *capped	at 100%	-10%		

# Compliance History Worksheet Compliance History Site Enhancement (Subtotal 2)

Any agreed final enforcement orders containing a denial of liability (number of

Docket No. 2019-0973-MLM-E

Screening Date 15-Jul-2019 Respondent OLMOS EQUIPMENT, INC.

**Case ID No.** 57967

Reg. Ent. Reference No. RN101381820

Media Used Oil

Other written NOVs

Enf. Coordinator Berenice Munoz

Number of...

>>

Component

NOVs

PCW

Policy Revision 4 (April 2014)

Adjust.

0%

0%

0%

Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)

PCW Revision March 26, 2014

Number

0

0

0

		ening Date		Docket No. 2019-	0973-MLM-E	PCW
			OLMOS EQUIPMENT, INC.			cy Revision 4 (April 2014)
Deg		Case ID No. ference No.			PCW	Revision March 26, 2014
Reg.	Ent. Rei		Used Oil			
	Enf. C		Berenice Munoz			
		ation Number				
		Rule Cite(s)	30 Tex Admin Code 8	324.4(1), 40 Code of Federal F	Regulations ("CER")	
		Rule cite(3)		nd Texas Health & Safety Code		
			<u> </u>	•	<u> </u>	-
	Violatio	n Description		ners used to store used oil in go eximately 24 55-gallon drums c		
	Violatio	ii Description		nsealed and structurally compre		
				···· / ···		
						_
					Base Penalty	\$5,000
>> Em:	vironmo	ntal Bronov	the and Human Haalth	Motrix		
>> EIIV	vironne	iitai, Propei	r <b>ty and Human Health</b> Harm	Matrix		
		Release	Major Moderate	Minor		
OR		Actual				
		Potential		X Perce	ent 3.0%	
>> Drov	aramma	tic Matrix				
~~FI0	granna	Falsification	Major Moderate	Minor		
				Perce	ent 0.0%	
				·		
	Matrix			ould be exposed to insignifican		
	Notes	that would no		ctive of human health or enviro	onmental receptors as a	
			resul	t of the violation.		
				Adjustme	ent \$4,850	
				Aujustine	φ4,050	
						\$150
Violati	on Even	ła				
Violatio		15				
		Number of \	/iolation Events 1	70 Numb	er of violation days	
			4-11-	đ		
			daily weekly			
			monthly			
			quarterly	· · · · · · · · · · · · · · · · · · ·	iolation Base Penalty	\$150
			semiannual		-	
			annual			
			single event X			
			One single	event is recommended.		
Cood	aith Eff	auto to Com	mbr 0.004		Deduction	¢0
900a F		orts to Com	ply 0.0% Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offe	Reduction	\$0
			Extraordinary			
			Ordinary			
			N/A X			
			The Respond	ent does not meet the good fai	ith criteria for	
			Notes	this violation.		
					Violation Subtota	l \$150
Factor	nie Pers		this violation	Ctat	utomy Linet Test	
ECONOR	nic Bene	III (EB) TOP	this violation	Stat	utory Limit Test	
		Estimate	ed EB Amount	\$2,277 Violati	on Final Penalty Tota	<b>I</b> \$207
1						
			This viol	ation Final Assessed Penalt	v (adjusted for limite)	\$207

Respondent OL Case ID No. 57 Reg. Ent. Reference No. RM Media Us Violation No. 1 Item Description Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	7967 N101381820 sed Oil	MENT, INC. Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	<b>Interest Saved</b> \$0 \$0 \$0 \$0 \$0 \$0	Percent Interest 5.0 Costs Saved \$0 \$0 \$0 \$0 \$0	Years of Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0 \$0
Case ID No. 57 Reg. Ent. Reference No. RM Media Us Violation No. 1 Item Description Item Description Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	7967 N101381820 sed Oil		Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 Costs Saved \$0 \$0 \$0 \$0	Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0
eg. Ent. Reference No. RM Media Us Violation No. 1 Item Description Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	N101381820 sed Oil	Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 Costs Saved \$0 \$0 \$0 \$0	Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0
Media Us Violation No. 1	sed Oil	Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 Costs Saved \$0 \$0 \$0 \$0	Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0
Violation No. 1		Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 <b>Costs Saved</b> \$0 \$0 \$0 \$0	Depreciation 15 EB Amount \$0 \$0 \$0 \$0 \$0
Item Description  Delayed Costs  Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Item Cost	Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	Costs Saved \$0 \$0 \$0 \$0 \$0	15 EB Amount \$0 \$0 \$0 \$0 \$0
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Item Cost	Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	Costs Saved \$0 \$0 \$0 \$0 \$0	<b>EB Amount</b> \$0 \$0 \$0 \$0
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Item Cost	Date Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Delayed Costs Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Equipment Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Buildings Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00	\$0	\$0	\$0
Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)				0.00			
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)					+0		
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)					\$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Notes for DELAYED costs				0.00	\$0	n/a	\$0
Avoided Costs	ANNUA	I IZE avoided c	osts before er	terina	item (except for	· one-time avoide	t costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$2,136	6-May-2019	26-Aug-2020	1.31	\$141	\$2,136	\$2,277
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated avoided cost to replace any corroded or damaged used oil containers, and ensure that any remaining containers are kept in good condition and properly closed (\$89 per each container that needs to						
				51101	5		
Approx. Cost of Compliance		\$2,136			TOTAL		\$2,27

		ening Date			ocket No. 2019-0973-MLM-E	PCW
			OLMOS EQUIPMENT	, INC.		Policy Revision 4 (April 2014)
Dog		Case ID No.				PCW Revision March 26, 2014
Reg.	Ent. Re		RN101381820 Used Oil			
	Enf. C		Berenice Munoz			
		ation Number				
		Rule Cite(s)	30 Tev	Admin Code 8 324	.15 and 40 CFR § 279.22(d)(3)	
			50 162			
	Violatio	n Description	stain impacting ap used oil spill of ap flowing approximate concrete curb be	pproximately 800 squ pproximately 6 feet b ely 200 feet to the So fore dissipating within within isolated pools	a release of used oil. Specifically, a pare feet emanating from the wareh y 4 feet beside the used oil tanks, a buth of the property and 150 feet for h disposed vegetation, and three set is in the Northern bank of Leon Cree at the Facility.	nouse, a a sheen ollowing a eparate
					Base	Penalty \$5,000
>> Env	vironme	ntal, Prope	ty and Human	Health Matrix		
		Release		Harm Marato Minor		
OR		Actual	<u>,</u>	oderate Minor X		
•		Potential		~	<b>Percent</b> 15.0%	
			II	1		
>>Prog	gramma	tic Matrix	Mada Ma	Alexandra Mila au		
		Falsification	Major Mo	oderate Minor	Percent 0.0%	
		<u> </u>				
	Matrix Notes				to significant amounts of pollutants or environmental receptors as a res	
					Adjustment	\$4,250
						¢750
						\$750
Violatio	on Even	ts				\$750
Violatio	on Even		(ialation Events	12	70 Number of violation of	
Violatio	on Even		/iolation Events	12	70 Number of violation c	
Violatio	on Even		/iolation Events	12	70 Number of violation c	
Violatio	on Even			12	70 Number of violation c	
Violatio	on Even		daily weekly monthly	12		days
Violatio	on Even		daily weekly monthly quarterly	12	70 Number of violation of Violation Base	days
Violatio	on Even		daily weekly monthly	12  X		days
Violatio	on Even		daily	12 X		days
Violatio	on Even		daily	12 X		days
Violatio	on Even	Number of N	daily daily weekly monthly semiannual annual single event events are recomme	X Nded (three per each	Violation Base	days 9 Penalty \$9,000
Violatio	on Even	Number of N	daily daily weekly monthly semiannual annual single event events are recomme	X Nded (three per each	Violation Base	days 9 Penalty \$9,000
		Number of Management	daily weekly monthly quarterly semiannual annual single event events are recomme the May 6, 2019 inve	X nded (three per each estigation date to the	Violation Base of four isolated contaminated area July 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of N	daily weekly monthly quarterly semiannual annual single event events are recomme the May 6, 2019 inve	X Anded (three per each estigation date to the 0.0%	Violation Base of four isolated contaminated area July 15, 2019 screening date.	days 9 Penalty \$9,000
		Number of Management	daily weekly monthly quarterly semiannual annual single event events are recomme the May 6, 2019 inve	X Anded (three per each estigation date to the 0.0%	Violation Base of four isolated contaminated area July 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of Management	daily weekly monthly quarterly semiannual annual single event events are recomme the May 6, 2019 inve ply Before Extraordinary Ordinary	X X Anded (three per eachestigation date to the O.0% NOE/NOV NOE/NOV to	Violation Base of four isolated contaminated area July 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of Management	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 inve Before Extraordinary Ordinary N/A	X X A A A A A A A A A A A A A	Violation Base Of four isolated contaminated area Unly 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of Management	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 inve Before Extraordinary Ordinary N/A	X         X         anded (three per eachestigation date to the stigation date to the stigati	Violation Base Of four isolated contaminated area July 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of Management	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 invo ply Extraordinary Ordinary N/A	X         X         anded (three per eachestigation date to the stigation date to the stigati	Violation Base Of four isolated contaminated area Unly 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from
		Number of Management	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 invo ply Extraordinary Ordinary N/A	X         X         anded (three per eachestigation date to the stigation date to the stigati	Violation Base Of four isolated contaminated area Unly 15, 2019 screening date.	days <b>Penalty</b> \$9,000 as) from Reduction \$0
Good F	aith Eff	Number of N 12 monthly orts to Com	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 invo ply Extraordinary Ordinary N/A	X         X         anded (three per eachestigation date to the stigation date to the stigati	Violation Base of four isolated contaminated area July 15, 2019 screening date.	days Penalty \$9,000 as) from Reduction \$0 Subtotal \$9,000
Good F	aith Eff	Number of M 12 monthly orts to Com	daily weekly monthly quarterly semiannual annual single event events are recomme the May 6, 2019 invo ply Extraordinary Ordinary N/A Notes	X         X         anded (three per eachestigation date to the stigation date to the stigati	Violation Base of four isolated contaminated area July 15, 2019 screening date. EDPRP/Settlement Offer bt meet the good faith criteria for is violation. Violation Statutory Limit	days Penalty \$9,000 as) from Reduction \$C Subtotal \$9,000 Test
Good F	aith Eff	Number of M 12 monthly orts to Com	daily weekly monthly quarterly semiannual annual single event weents are recomme the May 6, 2019 invo ply Extraordinary Ordinary N/A Notes The Notes	X Anded (three per each estigation date to the 0.0% NOE/NOV NOE/NOV to And And And And And And And And And And	Violation Base	days Penalty \$9,000 as) from Reduction \$0 Subtotal \$9,000 Test alty Total \$12,393

	E	conomic	Benefit	Wo	rksheet		
Respondent	OLMOS EQUIP	MENT, INC.					
Case ID No.	-						
eg. Ent. Reference No.							
	Used Oil					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	1	1		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 \$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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	<sup>•</sup> one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance	+1 000	6 14 2010	26.4 2020	0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$1,000	6-May-2019	26-Aug-2020	1.31	\$66	\$1,000	\$1,066
Other (as needed)	\$100	6-May-2019	26-Aug-2020		\$7	\$100	\$107
Notes for AVOIDED costs	and subm (\$1,000), and	it a report includir I to develop and ir	ng the details of mplement proce e Dates Require	the rel dures d d are th	ease incidents and lesigned to preven	ated soils at an auti adequacy of correc t any additional disc te and the Final Dat	tive actions (
Approx. Cost of Compliance		\$1,100	010		TOTAL		\$1,173

	Policy Revision 4 (Ap		nalty Ca	alculatio	n Worksł	neet (PC	•	Revision March 26, 2014
TCEQ DATES	PCW	8-Jul-2019 9-Mar-2022		15-Jul-2019	EPA Due			
Reg	NDENT/FACILI Respondent g. Ent. Ref. No. ty/Site Region		ON ENT, INC.		Major/M	1inor Source	Major	
CASE I	NFORMATION f./Case ID No.				• •	of Violations		
Мес	Docket No. lia Program(s)	2019-0973-MLM- Waste Tires Petroleum Storag	ge Tank and L	Jsed Oil	Government Enf.	Order Type /Non-Profit Coordinator	1660	
Aur	nin. Penaity \$ 1			ty Calculat	\$25,000	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of		•		511	Subtotal 1	\$3,750
ADJU	STMENTS (+, Subtotals 2-7 are of Compliance His	/-) TO SUBTC tained by multiplying story	<b>DTAL 1</b> the Total Base F	Penalty (Subtotal 1) <b>-10.0%</b>	by the indicated p Adjustment		tals 2, 3, & 7	-\$375
	Notes	R	eduction for H	High Performer	classification.			
		No		0.0%			Subtotal 4	\$0
	Notes Good Faith Eff	ort to Comply To	•	nents		ind.	Subtotal 5	\$0
	Economic Bene Estimated	Total EB Amounts Cost of Compliance	\$5,330 \$5,000		Enhancement* I at the Total EB \$ /	Amount	Subtotal 6	\$0
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$3,375
		Subtotal by the indic Recommended associated with	ated percentage. enhancement	to capture the and to offset t			Adjustment	\$5,705
				History.		Final Pen	alty Amount	\$9,080
STAT	UTORY LIMIT		ІТ			Final Asse	ssed Penalty	\$9,080
DEFEI Reduces t		nalty by the indicated	l percentage.	[	0.0%	Reduction	Adjustment	\$0
	Notes	Defe	ral not offere	ed for non-expe	dited settlemen	ıt.		
PAYA	BLE PENALT	ſ						\$9,080

Docket No.	2019-0973-MLM-E
~	

RespondentOLMOS EQUIPMENT, INC.Case ID No.57967Reg. Ent. Reference No.RN101381820MediaWaste Tires

Enf. Coordinator Berenice Munoz

Screening Date 15-Jul-2019

### **Compliance History Worksheet**

Compliance History Site Enhancement (Subtotal 2) >> Number Component Number of... Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 0 0% the current enforcement action (number of NOVs meeting criteria) NOVs Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of 0 ٥% orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or 0 ٥% Judaments consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0 0% or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 ٥% counts) Emissions Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were 0 0% disclosed) Environmental management systems in place for one year or more No ٥% Voluntary on-site compliance assessments conducted by the executive director 0% No under a special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% government environmental requirements Adjustment Percentage (Subtotal 2) 0% >> Repeat Violator (Subtotal 3)

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

		ening Date		Dock	et No. 2019-0973-MLM-E		PCW
			OLMOS EQUIPMENT, INC.			Policy	Revision 4 (April 2014)
		Case ID No.				PCW R	evision March 26, 2014
Reg.	Ent. Ref	ference No.					
			Waste Tires				
		ation Number	Berenice Munoz				
	VIOI						
		Rule Cite(s)	3	0 Tex. Admin. Cod	de § 330.15(c)		
			The Respondent caused,	suffered, allowed,	or permitted the unauthorized	d disposal	
	Violatio	n Description			lly, an estimated 1,000 scrap	tires were	
			ob	served disposed of	f on the ground.		
					<b>D</b>		+25 000
					Base	e Penalty	\$25,000
>> Env	vironme	ntal, Proper	ty and Human Heal	th Matrix			
			Harm				
0.0		Release	Major Moderate				
OR		Actual Potential		X	Percent 15.0%		
		Potential			<b>Percent</b> 15.0%		
>>Pro	gramma	tic Matrix					
	<b>J</b>	Falsification	Major Moderate	e Minor			
					Percent 0.0%		
	Matrix				ignificant amounts of pollutan		
	Notes	not exceed le	evels that are protective of	the violation.	enrivonmental receptors as a	result of	
					Adjustment	\$21,250	
					hajastinent	<i>421/200</i>	
							\$3,750
Violati	on Event	ła					
Violatio		LS					
		Number of \	/iolation Events 1		70 Number of violation of	days	
			daily				
			weekly				
			monthly quarterly X		Violation Base	Donalty	\$3,750
			semiannual		Violation Base	Fenalty	\$3,730
			annual				
			single event				
		One au	arterly event is recommen	ded from the May	6, 2019 investigation date to t	the	
				5, 2019 screening			
		[					
Good F	aith Effo	orts to Com	ply 0.0	%		Reduction	\$0
			Before NOE/NO	NOE/NOV to EDPF	RP/Settlement Offer		
			Extraordinary				
			Ordinary				
			N/A X		i		
			The Respo	ndent does not me	eet the good faith criteria for		
			Notes	this vio	plation.		
					Violation	Subtotal	\$3,750
Farme					Oto 1	Test	
Econor	mic Bene	ent (EB) for	this violation		Statutory Limit	lest	
		Estimate	ed EB Amount	\$5,330	Violation Final Pena	alty Total	\$9,080
1			This v	olation Final Ass	sessed Penalty (adjusted fo	or limits)	\$9,080

	E	conomic	Benefit	Wo	rksheet		
Respondent	OLMOS FOUTP	MENT INC					
Case ID No.	-						
Reg. Ent. Reference No.							
	Waste Tires					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Equipment	r			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		ALIZE avoided a	acto hoforo on	toring	itom (ovcont fo)	r one-time avoide	d costs)
Avoided Costs	ANNO	ALIZE avoided C	USIS DEIDIE EI		· · · ·		
Disposal		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance	-			0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5,000	6-May-2019	26-Aug-2020	1.31	\$330	\$5,000	\$5,330
Other (as needed)	<u> </u>	0 1109 2019	20 / 10 2020				
Notes for AVOIDED costs	Estimated avoided cost to remove all scrap tires from the Facility, and dispose of them at an authorized						
Approx. Cost of Compliance		\$5,000			TOTAL		\$5,330

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 CN602643447, RN101381820, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator:	CN602643447, OLMOS EQUIPMENT, INC.	Classification: HIGH	<b>Rating:</b> 0.00
Regulated Entity:	RN101381820, Olmos Equipment	Classification: HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	3	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	440 Pinn Road, San Antonio, Bexar Count	y, Texas 78227-1232	
TCEQ Region:	REGION 13 - SAN ANTONIO		
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 18581 Compliance History Peri	<b>IK REGISTRATION</b> <b>od:</b> September 01, 2013 to August 31, 20	018 <b>Rating Year:</b> 2018	Rating Date: 09/01/2018
Date Compliance Histor	y Report Prepared: July 15, 2019		
Agency Decision Requir	ing Compliance History: Enforceme	nt	
Component Period Selec	cted: July 15, 2014 to July 15, 2019		
TCEQ Staff Member to C	ontact for Additional Information I	Regarding This Compliance	e History.
Name: Berenice Muno:	z	<b>Phone:</b> (915) 834-4	976
,	<b>ator History:</b> nce and/or operation for the full five year co change in ownership/operator of the site du		YES NO
Components (Multime	edia) for the Site Are Listed in S	Sections A - J	
<b>A. Final Orders, court j</b> N/A	udgments, and consent decrees:		
<b>B. Criminal convictions</b> N/A	:		
C. Chronic excessive en N/A	nissions events:		
D. The approval dates of Item 1 June 17, 2	of investigations (CCEDS Inv. Track 2016 (1331300)	c. No.):	
A notice of violation repre	olations (NOV) (CCEDS Inv. Track. esents a written allegation of a violation of a e of violation is not a final enforcement act	a specific regulatory requirement	

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):  $_{\mbox{N/A}}$
- 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 OLMOS EQUIPMENT, INC.; RN101381820

**BEFORE THE** 

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

# DEFAULT ORDER

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§

### DOCKET NO. 2019-0973-MLM-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 chs. 7 and 26, TEX. HEALTH & SAFETY CODE chs. 361 and 371, 40 C.F.R. Part 279, 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 OLMOS EQUIPMENT, INC. ("Respondent").

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

### FINDINGS OF FACT

- 1. Respondent owned and operated a construction warehouse located at 440 Pinn Road in San Antonio, Bexar County, Texas (the "Facility"). The Facility contained an underground storage tank ("UST") system (Facility ID No. 18581) that was not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and it contained a regulated petroleum substance as defined in the rules of the TCEQ. The Facility also contained and/or involved the management of used oil and municipal solid waste ("MSW"), including scrap tires, as defined in Tex. HEALTH & SAFETY CODE chs. 361 and 371.
- 2. During an investigation conducted on May 2, 2019, and May 6, 2019, an investigator documented that Respondent:
  - a. Failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs;
  - b. Failed to ensure the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection. Specifically, the rectifier was inactive;
  - c. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days;
  - d. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, Respondent did not conduct the annual line leak detector and piping tightness tests;
  - e. Failed to maintain containers used to store used oil in good condition and not leaking. Specifically, approximately 24 55-gallon drums containing used oil were observed unsealed and structurally compromised;
  - f. Failed to clean up and properly manage a release of used oil. Specifically, a used oil stain impacting approximately 800 square feet emanating from the warehouse, a used oil spill of approximately 6 feet by 4 feet beside the used oil tanks, a sheen flowing approximately 200 feet to the South of the property and 150 feet following

a concrete curb before dissipating within disposed vegetation, and three separate sheens contained within isolated pools in the Northern bank of Leon Creek were observed at the Facility; and

- g. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, an estimated 1,000 scrap tires were observed disposed of on the ground.
- 3. The Executive Director recognizes that Respondent no longer owns or operates the Facility, as of August 26, 2020.
- 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 OLMOS EQUIPMENT, INC." (the "EDPRP") in the TCEQ Chief Clerk's office on July 21, 2022.
- 5. Respondent's Answer to the EDPRP was filed on August 12, 2022, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on February 6, 2023.
- 6. On March 17, 2023, the TCEQ Chief Clerk mailed notice of the April 13, 2023, preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Respondent.
- 7. On April 13, 2023, 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 April 19, 2023, 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. WATER CODE ch. 26, Tex. HEALTH & SAFETY CODE chs. 361 and 371, 40 C.F.R. Part 279, and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs, in violation of 30 Tex. ADMIN. CODE § 37.815(a) and (b).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to ensure the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(2).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of Tex. WATER CODE § 26.3475(c)(1) and 30 Tex. ADMIN. CODE § 334.50(b)(1)(A).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide release detection for the pressurized piping associated with the UST system, in violation of Tex. WATER CODE § 26.3475(a) and 30 Tex. ADMIN. CODE § 334.50(b)(2).
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to maintain containers used to store used oil in good condition and not leaking, in violation of Tex. HEALTH & SAFETY CODE § 371.041, 30 Tex. ADMIN. CODE § 324.4(1), and 40 C.F.R. § 279.22(b).

- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to clean up and properly manage a release of used oil, in violation of 30 Tex. ADMIN. CODE § 324.15 and 40 C.F.R. § 279.22(d)(3).
- 8. As evidenced by Finding of Fact No. 2.g., Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 Tex. ADMIN. CODE § 330.15(c).
- 9. As evidenced by Finding of Fact No. 5, Respondent's Answer to the EDPRP was filed 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.
- 10. 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.
- 11. 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).
- 12. 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.
- 13. An administrative penalty in the amount of fifty-two thousand one hundred ninety-seven dollars (\$52,197.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053.
- 14. 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 fifty-two thousand one hundred ninety-seven dollars (\$52,197.00) 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: OLMOS EQUIPMENT, INC.; Docket No. 2019-0973-MLM-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. The Executive Director does not recommend any corrective measures at this time.

- 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.
- 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 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.

OLMOS EQUIPMENT, INC. Docket No. 2019-0973-MLM-E Page 5

# SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



# UNSWORN DECLARATION OF MEGAN L. GRACE

"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 OLMOS EQUIPMENT, INC.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 21, 2022.

Respondent's Answer to the EDPRP was filed on August 12, 2022, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on February 6, 2023. On March 17, 2023, the TCEQ Chief Clerk mailed notice of the April 13, 2023 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 13, 2023. 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 remanded the matter to the Executive Director by SOAH Order No. 2, issued on April 19, 2023, so that TCEQ may dispose of this case on a default basis."

"My name is Megan L. Grace, 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 17th day of May, 2023

m J. Jun

Declarant