

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59080  
EMROOZ, Inc. dba Snappy Foods 23  
RN102225679  
Docket No. 2020-0395-PST-E

Page 1 of 2

**Order Type:**  
Default Order

**Media:**  
PST

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
5626 Leopard Street, Corpus Christi, Nueces County

**Type of Operation:**  
underground storage tank ("UST") system and a convenience store with retail sales of gasoline

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, 2024-0368-PST-E  
Past-Due Penalties: \$3,156  
Past-Due Fees: \$406  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** June 28, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$2,918  
**Total Paid to General Revenue:** \$0  
**Total Due to General Revenue:** \$2,918

**Compliance History Classifications:**  
Person/CN - High  
Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** January 23, 2020  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** February 28, 2020

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**Violation Information**

1. Failed to monitor the UST and piping, which were installed after January 1, 2009, for releases at a frequency of at least once every 30 days using interstitial monitoring [TEX. WATER CODE § 26.3475(a) and (c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii)].
2. Failed to test the line leak detector at least once per year for performance and operational reliability [TEX. WATER CODE § 26.3475(a) and TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

Respondent no longer operates the Facility as of March 4, 2022.

**Litigation Information**

**Date Petition(s) Filed:** September 23, 2022

**Date(s) of Service:** September 26, 2022

**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** David Keagle, 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:** Tiffany Chu, Enforcement Division, (512) 239-4872

**TCEQ Regional Contact:** Tim Perdue, Corpus Christi Regional Office, (361) 881-6900

**Respondent Contact:** Agha Saad Ali, Director, EMROOZ, Inc., P.O. Box 3696, Corpus Christi, Texas 78463

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	9-Mar-2020	<b>Screening</b>	9-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	6-May-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	EMROOZ, Inc. dba Snappy Foods 23
<b>Reg. Ent. Ref. No.</b>	RN102225679
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59080	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0395-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tiffany Chu
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,250</b>
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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.

<b>Compliance History</b>	<b>-10.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$125</b>
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<b>Notes</b>	Reduction for High Performer Classification.
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$1,668	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,505	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,125</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>159.4%</b>	<b>Adjustment</b>	<b>\$1,793</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with the Violation and to offset the compliance history reduction.
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<b>Final Penalty Amount</b>	<b>\$2,918</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,918</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$2,918</b>
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<b>Screening Date</b>	9-Mar-2020	<b>Docket No.</b>	2020-0395-PST-E	<b>PCW</b>
<b>Respondent</b>	EMROOZ, Inc. dba Snappy Foods 23			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59080			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102225679			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Tiffany Chu			

## 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)

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

**Adjustment Percentage (Subtotal 7)** -10%

### >> Compliance History Summary

**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%

<b>Screening Date</b>	9-Mar-2020	<b>Docket No.</b>	2020-0395-PST-E	<b>PCW</b>	
<b>Respondent</b>	EMROOZ, Inc. dba Snappy Foods 23				<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59080				<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102225679				
<b>Media</b>	Petroleum Storage Tank				
<b>Enf. Coordinator</b>	Tiffany Chu				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(1)(B), (b)(2)(A)(i)(III), and (b)(2)(A)(iii) and Tex. Water Code § 26.3475(a) and (c)(1)				
<b>Violation Description</b>	Failed to monitor the underground storage tank ("UST") and piping which were installed after January 1, 2009 for releases at a frequency of at least once every 30 days using interstitial monitoring. Specifically, the UST and piping were installed on January 1, 2013 and the Respondent was not monitoring them using interstitial monitoring. Also, failed to test the line leak detector at least once per year for performance and operational reliability. Specifically, the Respondent did not conduct the annual line leak detector test by the January 7, 2020 expiration date.				
		<b>Base Penalty</b>	\$25,000		

  

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	<b>Percent</b> 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		<b>Adjustment</b>	\$23,750		
			\$1,250		

  

<b>Violation Events</b>					
	Number of Violation Events	1	46	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$1,250
	semiannual				
	annual				
	single event				
	One quarterly event is recommended from the January 23, 2020 investigation date to the March 9, 2020 screening date.				

  

<b>Good Faith Efforts to Comply</b>			<b>0.0%</b>	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
	<b>Violation Subtotal</b>	\$1,250			

  

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$1,668	<b>Violation Final Penalty Total</b>	\$2,918
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$2,918	

# Economic Benefit Worksheet

**Respondent** EMROOZ, Inc. dba Snappy Foods 23  
**Case ID No.** 59080  
**Reg. Ent. Reference No.** RN102225679  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				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

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Testing	\$75	7-Jan-2020	31-Jan-2020	0.07	\$0	\$5	\$5
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)	\$1,500	23-Jan-2020	4-Mar-2022	2.11	\$163	\$1,500	\$1,663

Notes for AVOIDED costs

Estimated avoided cost (\$75) to conduct the annual line leak detector test. The Date Required is the date testing was due and the Final Date is the date of compliance.  
 Estimated avoided cost (\$1,500) to properly implement interstitial monitoring for the UST at the Facility. The Date Required is the investigation date, and the Final Date is the date of operatorship change.

Approx. Cost of Compliance \$1,505

**TOTAL** \$1,668



# Compliance History Report

Compliance History Report for CN603931924, RN102225679, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603931924, EMROOZ, Inc.	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Regulated Entity:</b>	RN102225679, Snappy Foods 23	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	5626 Leopard Street in Corpus Christi, Nueces County, Texas				
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI				
<b>ID Number(s):</b>					
<b>PETROLEUM STORAGE TANK REGISTRATION</b>	REGISTRATION 26361	<b>LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID</b>	NUMBER 120725		
<b>Compliance History Period:</b>	September 01, 2014 to August 31, 2019	<b>Rating Year:</b>	2019	<b>Rating Date:</b>	09/01/2019
<b>Date Compliance History Report Prepared:</b>	March 09, 2020				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	March 09, 2015 to March 09, 2020				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Tyler Richardson	<b>Phone:</b>	(512) 239-4872		

## 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.):**  
Item 1      February 27, 2017      (1395136)

**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  
EMROOZ, INC. DBA SNAPPY  
FOODS 23;  
RN102225679

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER DOCKET NO. 2020-0395-PST-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 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 EMROOZ, Inc. dba Snappy Foods 23 ("Respondent").

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

### FINDINGS OF FACT

1. Respondent operated, as defined in 30 TEX. ADMIN. CODE § 334.2(78), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 5626 Leopard Street in Corpus Christi, Nueces County, Texas (Facility ID No. 26361) (the "Facility") from April 10, 2013 to March 3, 2022. The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on January 23, 2020, an investigator documented that Respondent:
  - a. Failed to monitor the UST and piping, which were installed after January 1, 2009, for releases at a frequency of at least once every 30 days using interstitial monitoring. Specifically, the UST and piping were installed on January 1, 2013, and the Respondent was not monitoring them using interstitial monitoring; and
  - b. Failed to test the line leak detector at least once per year for performance and operational reliability. Specifically, the Respondent did not conduct the annual line leak detector test by the January 7, 2020 expiration date.
3. The Executive Director recognizes that Respondent no longer operates the Facility as of March 4, 2022.
4. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against EMROOZ, Inc. dba Snappy Foods 23" (the "EDFARP") in the TCEQ Chief Clerk's office on September 23, 2022.
5. By letter dated September 23, 2022, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt "green card," Respondent received notice of the EDFARP on September 26, 2022 evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

### 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 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to monitor the UST and piping, which were installed after January 1, 2009, for releases at a frequency of at least once every 30 days using interstitial monitoring, in violation of TEX. WATER CODE § 26.3475(a) and (c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B) and (b)(2)(A)(iii).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to test the line leak detector at least once per year for performance and operational reliability, in violation of TEX. WATER CODE § 26.3475(a) and TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III).
4. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
5. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of \$2,918 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of \$2,918 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: EMROOZ, Inc. dba Snappy Foods 23; Docket No. 2020-0395-PST-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF DAVID KEAGLE

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against EMROOZ, Inc. dba Snappy Foods 23' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on September 23, 2022.

The EDFARP was mailed to Respondent's last known address on September 23, 2022, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDFARP on September 26, 2022, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

"My name is David Keagle, 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 this 17th day of May, 2024

A handwritten signature in blue ink that reads "David C. Keagle".

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Declarant