

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59061
NAMOR Holdings LLC
RN101559912
Docket No. 2020-0417-MSW-E

Order Type:

Default Order (SOAH evidentiary hearing)

Media:

MSW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

4601 West Houston Street, Suite B, near Sherman, Grayson County (the "Site")

Type of Operation:

unauthorized municipal solid waste ("MSW") site

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third Parties: None

Texas Register Publication Date: January 27, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$12,000

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$12,000

Compliance History Classifications:

Person/CN - Unsatisfactory
Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: January 6, 2020

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

Date(s) of NOE(s): February 18, 2020

Violation Information

Caused, suffered, allowed, or permitted the unauthorized disposal of MSW [30 TEX. ADMIN. CODE § 330.15(a) and (c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately cease disposing of any additional MSW at the Site.
2. Within 30 days remove all MSW at the Site and dispose of it at an authorized facility.
3. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2.

Litigation Information

Date Petition(s) Filed:	September 17, 2021
Date(s) Service: Date	September 20, 2021
Answer(s) Filed: SOAH	October 7, 2021
Referral Date: Hearing	January 14, 2022
Date(s):	
Preliminary hearing:	March 10, 2022
Evidentiary hearing:	November 2, 2022 (defaulted)

Contact Information

TCEQ Attorneys: Megan L. 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: Stephanie McCurley, Enforcement Division, (512) 239-2607

TCEQ Regional Contact: Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: John P. Roman, 1817 West Scott Street, Sherman, Texas 75092

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Feb-2020			
	PCW	16-Jun-2020	Screening	5-Mar-2020	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	NAMOR Holdings LLC				
Reg. Ent. Ref. No.	RN101559912				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	59061	No. of Violations	1		
Docket No.	2020-0417-MSW-E	Order Type	1660		
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Stephanie McCurley		
		EC's Team	Enforcement Team 7		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	60.0%	Adjustment	Subtotals 2, 3, & 7	\$4,500
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Notes: Enhancement for Repeat Violator classification, Unsatisfactory Performer classification, and one Default Order.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$7,247
Estimated Cost of Compliance	\$151,590

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$12,000
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Screening Date 5-Mar-2020

Docket No. 2020-0417-MSW-E

PCW

Respondent NAMOR Holdings LLC

Policy Revision 4 (April 2014)

Case ID No. 59061

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101559912

Media Municipal Solid Waste

Enf. Coordinator Stephanie McCurley

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	1	25%
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) 25%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for Repeat Violator classification, Unsatisfactory Performer classification, and one Default Order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 5-Mar-2020
Respondent NAMOR Holdings LLC
Case ID No. 59061
Reg. Ent. Reference No. RN101559912
Media Municipal Solid Waste
Enf. Coordinator Stephanie McCurley

Docket No. 2020-0417-MSW-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
Matrix Notes	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent NAMOR Holdings LLC
Case ID No. 59061
Reg. Ent. Reference No. RN101559912
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$151,590	6-Jan-2020	20-Dec-2020	0.96	\$7,247	n/a	\$7,247
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove all MSW from the Site and dispose of it at an authorized facility. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$151,590

TOTAL

\$7,247

Compliance History Report

Compliance History Report for CN605668367, RN101559912, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN605668367, NAMOR Holdings LLC **Classification:** UNSATISFACTORY **Rating:** 148.50

Regulated Entity: RN101559912, Property at 4601 West Houston Street **Classification:** UNSATISFACTORY **Rating:** 148.50

Complexity Points: 4 **Repeat Violator:** YES

CH Group: 14 - Other

Location: 4601 West Houston Street, Suite B, in Sherman, Grayson County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
MUNICIPAL SOLID WASTE PROCESSING PERMIT 100275 **MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER** R04101559912

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: August 01, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 28, 2015 to February 28, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Stephanie McCurley **Phone:** (512) 239-2607

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:

- 1 Effective Date: 01/21/2016 ADMINORDER 2014-1644-MLM-E (Findings Order-Default)
- Classification: Moderate
- Citation: 30 TAC Chapter 328, SubChapter A 328.5(h)
- Description: Failed to have a Fire Prevention and Suppression Plan, in violation of 30 TEX. ADMIN. CODE 328.5(h), as documented during an investigation conducted on August 27, 2014. Specifically, the Respondent had not made a Fire Prevention and Suppression Plan available to the local fire prevention authority having jurisdiction over the Facility for review and coordination
- Classification: Moderate
- Citation: 30 TAC Chapter 328, SubChapter A 328.5(f)(1)
30 TAC Chapter 328, SubChapter A 328.5(g)
- Description: Failed to maintain the required recycling records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE 328.5(f)(1) and (g), as documented during an investigation conducted on August 27, 2014.
- Classification: Moderate
- Citation: 30 TAC Chapter 328, SubChapter A 328.5(d)
30 TAC Chapter 328, SubChapter A 328.5(f)(3)
- Description: Failed to provide financial assurance for the closure of a recycling facility that stores combustible material outdoors, in violation of 30 TEX. ADMIN. CODE §328.5(d) and 328.5(f)(3), as documented during an investigation conducted on August 27, 2014. Specifically, financial assurance was not provided for approximately 12,191 cubic yards of MSW
- Classification: Major
- Citation: 30 TAC Chapter 330, SubChapter A 330.15(a)
30 TAC Chapter 330, SubChapter A 330.15(c)
- Description: Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN.

CODE §330.15(c), as documented during an investigation conducted on August 27, 2014. Specifically, the Respondent disposed of approximately 12,191 cubic yards of MSW consisting of shingles and pallets at the Facility.

Classification: Major

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)

Description: Failed to obtain authorization to discharge storm water associated with industrial activities under the Texas Pollution Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000, in violation of 30 TEX. ADMIN. CODE §281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS §122.26(c), as documented during an investigation conducted on August 27, 2014.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NAMOR HOLDINGS LLC;
RN101559912**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2020-0417-MSW-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is NAMOR Holdings LLC (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns an unauthorized municipal solid waste (“MSW”) disposal site located at 4601 West Houston Street, Suite B near Sherman, Grayson County, Texas (the “Site”).¹ The Site contains and/or involves the management of MSW, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on January 6, 2020, an investigator documented that Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, approximately 11,241 cubic yards of abandoned MSW including three watercrafts, one motor home, three trailers, five automobiles, wood pallets, brush and tree pieces, railroad ties, drywall, shingles, and scrap tires were disposed of at the Site.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of NAMOR Holdings LLC” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 17, 2021.
4. Respondent’s answer was filed on October 7, 2021, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on January 14, 2022.
5. On October 11, 2022, the Administrative Law Judge (“ALJ”) issued Order No. 7, which set the evidentiary hearing for November 2, 2022. The SOAH docket clerk mailed a copy of Order No. 7 to Respondent at its last known address via first class mail, postage pre-paid.
6. On November 2, 2022, the ALJ convened the evidentiary 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.
7. On November 2, 2022, the ALJ entered a finding that Respondent was served with proper notice of the hearing and granted the Executive Director’s motion for a default dismissal.

¹ The Site is designated by the Grayson County Appraisal District Property ID No. 368759.

On November 21, 2022, SOAH remanded the matter to the Executive Director so that TCEQ may dispose of this case on a default basis.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c).
3. As evidenced by Finding of Fact No. 4, Respondent's answer 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.
4. As evidenced by Finding of Fact No. 5, Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.425, and 80.6.
5. As evidenced by Findings of Fact Nos. 6 and 7, Respondent failed to appear for the evidentiary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of twelve thousand dollars (\$12,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of twelve thousand dollars (\$12,000.00) 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: NAMOR Holdings LLC; Docket No. 2020-0417-MSW-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

3. Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, cease disposing of any additional MSW at the Site.
 - b. Within 30 days after the effective date of this Order, remove all MSW at the Site and dispose of it at an authorized facility.
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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

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

and:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF 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 and Requiring Certain Actions of NAMOR Holdings LLC’ (the ‘EDPRP’) was filed in the TCEQ Chief Clerk’s office on September 17, 2021.

Respondent’s answer was filed on October 7, 2021, and the matter was referred to the State Office of Administrative Hearings (‘SOAH’) on January 14, 2022. On October 11, 2022, the Administrative Law Judge (‘ALJ’) issued Order No. 7, which set the evidentiary hearing for November 2, 2022. The SOAH docket clerk mailed a copy of Order No. 7 to Respondent at its last known address via first class mail, postage pre-paid.

Respondent failed to appear at the hearing on November 2, 2022. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV’T CODE § 2001.056.

The ALJ granted the Executive Director’s motion for a default dismissal by SOAH Order No. 8, issued on November 2, 2022. SOAH remanded the case to the Executive Director on November 21, 2022, 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 19th day of December, 2022

A handwritten signature in cursive script, appearing to read "Megan L. Grace".

Declarant