

**Order Type:**  
Agreed Order

**Media:**  
MLM: IHW and MSW

**Small Business:**  
Yes

**Location Where Violation Occurred:**  
819 and 925 Somerset Road, San Antonio, Bexar County

**Type of Operation:**  
an auto salvage operation

**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:** October 28, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$11,250

**Total Paid to General Revenue:** \$11,250

**Total Due to General Revenue:** \$0

**Compliance History Classifications:**  
Person/CN – Unclassified Daniel Ramirez; Unclassified D.D. Ramirez, Inc.  
Site/RN – Unclassified

**Major Source:** No; Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date:** September 11, 2019  
*Complaint Information:* Complaint alleged the facility has many automotive fluid surface discharges, excessive amount of scrap tires being stored onsite and mismanagement of used oils. It appears the site had a spill of used oil that has not been managed by the facility.

**Dates of Investigation:** September 13, 2019; January 7, 2020

**Date of NOV:** N/A

**Date of NOE:** October 31, 2019

**Violation Information**

1. Failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers. [30 TEX. ADMIN. CODE § 328.56(d)(2)].
2. Failed to mark or clearly label used oil storage containers with the words “Used Oil”. [40 C.F.R. § 279.22(c)(1) and 30 TEX. ADMIN. CODE § 324.1].
3. Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the release of used oil. [40 C.F.R. § 279.22(d)(3) and 30 TEX. ADMIN. CODE §§ 324.1, 324.4(1), and 324.6].
4. Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases. [40 C.F.R. § 273.33(a)(1) and 30 TEX. ADMIN. CODE § 335.261(a)].
5. Failed to properly label spent lead-acid batteries, or containers used to store used batteries, with the words “Universal Waste-Battery(ies)” or “Used Battery(ies)”. [40 C.F.R. § 273.34(a) and 30 TEX. ADMIN. CODE § 335.261(a)].
6. Failed to immediately contain a release of universal waste and determine whether any resulting material is hazardous waste. [40 C.F.R. § 273.37(a) and (b) and 30 TEX. ADMIN. CODE § 335.261(a)].
7. Failed to submit written notification of the Facility’s large quantity handler status and universal waste management to the Environmental Protection Agency (“EPA”) Regional Administrator and receive an EPA Identification Number. [40 C.F.R. § 273.32(a)(1) and 30 TEX. ADMIN. CODE § 335.261(a)].
8. Failed to maintain a record of each shipment of universal waste. [40 C.F.R. § 273.39(b) and 30 TEX. ADMIN. CODE § 335.261(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:**

None

**Technical Requirements:**

1. Immediately upon the effective date of this Order, cease any additional discharges of used oil and universal waste, including batteries, at the Facility.
2. Within 30 days after the effective date of this Order:
  - a. Mark or clearly label all used oil containers with the words “Used Oil”;
  - b. Obtain a scrap tire storage site registration for the Facility;
  - c. Properly store lead-acid batteries at the Facility;
  - d. Properly label all spent lead-acid batteries at the Facility with the words “Universal Waste-Battery(ies)” and “Used Battery(ies)”;
  - e. Remove and dispose of the damaged lead acid batteries at an authorized facility and determine whether resulting material is hazardous waste;
  - f. Submit a written notification to the EPA Regional Administrator and obtain an EPA Identification Number; and
  - g. Maintain universal waste shipment records at the Facility.

3. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Technical Requirement Nos. 1, and 2.a. through 2.g.
4. Within 180 days after the effective date of this Order, conduct an investigation to determine whether response actions at the Facility are necessary under the Texas Risk Reduction Program (“TRRP”) and submit the investigation results and certification.
5. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the investigation results within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.
6. If the Executive Director determines that response actions pursuant to 30 TEX. ADMIN. CODE ch. 350 are necessary, Respondents shall submit, by the deadline prescribed by the Executive Director, an Affected Property Assessment Report (“APAR”), to the Order Compliance Team.
7. If the Executive Director determines that the APAR indicates that additional response actions are necessary, Respondents shall comply with, and perform, all applicable requirements of TRRP, which may include plans, reports, and notices under Subchapter E.
8. Within 300 days after the effective date of this Order, submit written certification to demonstrate compliance with Technical Requirement Nos. 5, and 7.

**Litigation Information**

**Date Petition Filed:** November 30, 2020  
**Date Green Card Signed:** December 3, 2020  
**Date Answer Filed:** December 22, 2020  
**SOAH Referral Date:** March 22, 2021

**Contact Information**

**TCEQ Attorneys:** Taylor Pearson, 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:** Carlos Molina, Enforcement Division, (512) 239-2557  
**TCEQ Regional Contact:** Cameron Lopez, San Antonio Regional Office, (210) 403-4044  
**Respondent Contact:** Daniel Ramirez, President, 819 and 925 Somerset Road, San Antonio, Texas 78211  
**Respondent's Attorney:** Chris Pepper, Rigby Slack Lawrence Berger and Comerford, PLLC, 3500 Jefferson St., Suite 330, Austin, Texas 78731

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	13-Jan-2020	<b>Screening</b>	2-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	14-Jul-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck
<b>Reg. Ent. Ref. No.</b>	RN105676985
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59065	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-0507-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Waste Tires	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste and Used Oil	<b>Enf. Coordinator</b>	Carlos Molina
		<b>EC's Team</b>	Enforcement Team 7
<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>\$3,750</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>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for compliance history.

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

<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: \$578  
 Estimated Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$3,750</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$3,750</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,750</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.

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$3,750</b>
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<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Waste Tires			
<b>Enf. Coordinator</b>	Carlos Molina			

### 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)

No

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

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>															
<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>															
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>															
<b>Reg. Ent. Reference No.</b>	RN105676985																		
<b>Media</b>	Waste Tires																		
<b>Enf. Coordinator</b>	Carlos Molina																		
<b>Violation Number</b>	1																		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 328.56(d)(2)																		
<b>Violation Description</b>	Failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers. Specifically, approximately 1,500 scrap tires were stored outside on the ground, in exposed conditions at the Facility.																		
		<b>Base Penalty</b>	\$25,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																			
<b>OR</b>	<table border="1"> <thead> <tr> <th rowspan="2">Release</th> <th colspan="3">Harm</th> </tr> <tr> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Release	Harm			Major	Moderate	Minor	Actual				Potential			
	Release	Harm																	
		Major	Moderate	Minor															
Actual																			
Potential																			
				<b>Percent</b> 0.0%															
<b>&gt;&gt; Programmatic Matrix</b>																			
	<table border="1"> <thead> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td>x</td> <td></td> <td></td> </tr> </tbody> </table>				Falsification	Major	Moderate	Minor		x									
Falsification	Major	Moderate	Minor																
	x																		
				<b>Percent</b> 15.0%															
<b>Matrix Notes</b>	100% of the rule requirement was not met.																		
	<b>Adjustment</b>			\$21,250															
	\$3,750																		
<b>Violation Events</b>																			
	Number of Violation Events	1	55	Number of violation days															
	<table border="1"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td>x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event					
daily																			
weekly																			
monthly																			
quarterly	x																		
semiannual																			
annual																			
single event																			
				<b>Violation Base Penalty</b> \$3,750															
	One quarterly event is recommended from the January 7, 2020 record review date to the March 2, 2020 screening date.																		
<b>Good Faith Efforts to Comply</b>	0.0%			<b>Reduction</b> \$0															
	<table border="1"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </tbody> </table>					Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																	
Extraordinary																			
Ordinary																			
N/A	x																		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																		
	<b>Violation Subtotal</b>			\$3,750															
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																	
	<b>Estimated EB Amount</b>	\$578	<b>Violation Final Penalty Total</b>	\$3,750															
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$3,750															

## Economic Benefit Worksheet

**Respondent** D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Waste Tires  
**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	\$10,000	13-Sep-2019	8-Nov-2020	1.16	\$578	n/a	\$578
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated delayed cost to obtain a scrap tire storage site registration for the Facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$578





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	13-Jan-2020	<b>Screening</b>	2-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	14-Jul-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck
<b>Reg. Ent. Ref. No.</b>	RN105676985
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59065	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-0507-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Used Oil	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Waste Tires and Industrial and Hazardous W	<b>Enf. Coordinator</b>	Carlos Molina
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,750</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>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for compliance history.

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

<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: \$292  
Estimated Cost of Compliance: \$5,050  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,750</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$1,750</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,750</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.

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,750</b>
------------------------	----------------

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Used Oil			
<b>Enf. Coordinator</b>	Carlos Molina			

### 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)

No

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

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Used Oil			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 324.1 and 40 Code of Federal Regulations ("CFR") § 279.22(c)(1)			
<b>Violation Description</b>	Failed to mark or clearly label used oil storage containers with the words "Used Oil". Specifically, one 55-gallon and one 5-gallon container were not labeled with the words "Used Oil".			
		<b>Base Penalty</b>	\$5,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
		<b>Adjustment</b>	\$4,750		
			\$250		

<b>Violation Events</b>				
	Number of Violation Events	1	55	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		<b>Violation Base Penalty</b> \$250
	semiannual			
	annual			
	single event			
	One quarterly event is recommended from the January 7, 2020 record review date to the March 2, 2020 screening date.			

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

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$3	<b>Violation Final Penalty Total</b> \$250
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$250	

## Economic Benefit Worksheet

**Respondent** D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Used Oil  
**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)	\$50	13-Sep-2019	8-Nov-2020	1.16	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to mark or clearly label all used oil containers with the words "Used Oil". The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$3

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			
<b>Case ID No.</b>	59065	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN105676985	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Used Oil			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 324.1, 324.4(1), 324.6, and 40 CFR § 279.22(d)(3)			
<b>Violation Description</b>	<p>Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the release of used oil. Specifically, oil was disposed of on the ground at the following locations: approximately 16,000 square feet was observed at the concrete containment area located in the southwest corner of the property, approximately 4,000 square feet of soil was impacted north of the containment area, and approximately 200 square feet of soil was impacted along the entire south facing containment area wall.</p>			
<b>Base Penalty</b>			\$5,000	

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	x			
	Potential				<b>Percent</b> 15.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		<b>Falsification</b>			
		Major	Moderate	Minor	
					<b>Percent</b> 0.0%
<p>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.</p>					
<b>Adjustment</b>					\$4,250

\$750

**Violation Events**

Number of Violation Events	2	55	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
<b>Violation Base Penalty</b>			
\$1,500			
<p>Two monthly events are recommended from the January 7, 2020 record review date to the March 2, 2020 screening date.</p>			

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>
			\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	<p>The Respondent does not meet the good faith criteria for this violation.</p>		
<b>Violation Subtotal</b>			\$1,500

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$289
<b>Violation Final Penalty Total</b>	\$1,500
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,500	

## Economic Benefit Worksheet

**Respondent** D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Used Oil  
**Violation No.** 2

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)	\$5,000	13-Sep-2019	8-Nov-2020	1.16	\$289	n/a	\$289

Notes for DELAYED costs

Estimated delayed cost to remediate and properly dispose of used oil contamination at an authorized facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$289



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	13-Jan-2020	<b>Screening</b>	2-Mar-2020	<b>EPA Due</b>	
	<b>PCW</b>	25-Feb-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck				
<b>Reg. Ent. Ref. No.</b>	RN105676985				
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59065	<b>No. of Violations</b>	5
<b>Docket No.</b>	2020-0507-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Waste Tires and Used Oil	<b>Enf. Coordinator</b>	Carlos Molina
		<b>EC's Team</b>	Enforcement Team 7
<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>	\$5,750
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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>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for compliance history.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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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>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$189	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$5,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,750
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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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>	\$5,750
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<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto &			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			

### 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)

No

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

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

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%



<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			
<b>Case ID No.</b>	59065	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN105676985	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.261(a) and 40 Code of Federal Regulations ("CFR") § 273.33(a)(1)			
<b>Violation Description</b>	Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases. Specifically, ten lead-acid batteries were stored on a concrete floor and not in containers.			
<b>Base Penalty</b>				\$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential			x	<b>Percent</b>	3.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
					<b>Percent</b>	0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$24,250
\$750	

**Violation Events**

Number of Violation Events	1		55	Number of violation days
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daily		
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

<b>Violation Base Penalty</b>	\$750
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One single event is recommended.

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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.
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<b>Violation Subtotal</b>	\$750
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$29	<b>Statutory Limit Test</b>
<b>Violation Final Penalty Total</b>		\$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$750

## Economic Benefit Worksheet

**Respondent** Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### 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
Other (as needed)	\$500	13-Sep-2019	8-Nov-2020	1.16	\$29	n/a	\$29
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to properly store lead-acid batteries at the Facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$29

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.261(a) and 40 CFR § 273.34(a)			
<b>Violation Description</b>	Failed to properly label spent lead-acid batteries, or containers used to store used batteries with the words "Universal Waste-Battery(ies)" or "Used Battery(ies)." Specifically, two pallets storing a total of 340 spent lead-acid batteries were not labeled properly.			
		<b>Base Penalty</b>	\$25,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
			<b>Adjustment</b>	\$23,750	
				\$1,250	

<b>Violation Events</b>					
	Number of Violation Events	1	55	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 7, 2020 record review date to the March 2, 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		
<b>Notes</b>	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>	\$3
<b>Violation Final Penalty Total</b>	\$1,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,250

## Economic Benefit Worksheet

**Respondent** Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$50	13-Sep-2019	8-Nov-2020	1.16	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to properly label all spent lead-acid batteries at the Facility with the words "Universal Waste-Battery(ies)" or "Used Battery(ies)". The date required is the initial investigation date, and the final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$3

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.261(a) and 40 CFR § 273.37(a) and (b)			
<b>Violation Description</b>	Failed to immediately contain a release of universal waste and determine whether any resulting material is hazardous waste. Specifically, two spent lead-acid batteries were observed to have discharged onto a concrete floor and one battery was observed to have been damaged with an exposed core.			
		<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			x
	Potential			
			<b>Percent</b>	5.0%

<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<b>Percent</b>	0.0%		

<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do 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>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	55
		daily		
		weekly		
		monthly		
		quarterly	x	
		semiannual		
		annual		
		single event		
		<b>Violation Base Penalty</b>	\$1,250	
	One quarterly event is recommended from the January 7, 2020 record review date to the March 2, 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		
	<b>Notes</b>	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>	\$116	<b>Violation Final Penalty Total</b>	\$1,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,250	

## Economic Benefit Worksheet

**Respondent** Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

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)	\$2,000	13-Sep-2019	8-Nov-2020	1.16	\$116	n/a	\$116

#### Notes for DELAYED costs

Estimated delayed cost to remove and dispose of the lead-acid batteries at an authorized facility and determine whether any resulting material is hazardous waste. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$116

<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.261(a) and 40 CFR § 273.32(a)(1)			
<b>Violation Description</b>	Failed to submit written notification of the Facility's large quantity handler status and universal waste management to the Environmental Protection Agency ("EPA") Regional Administrator, and receive an EPA Identification Number.			
		<b>Base Penalty</b>	\$25,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
			<b>Adjustment</b>	\$23,750	
				\$1,250	

<b>Violation Events</b>					
	Number of Violation Events	1	55	Number of violation days	
	daily				<b>Violation Base Penalty</b> \$1,250
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
	One single event is recommended.				

<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		
<b>Notes</b>	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> \$12	<b>Violation Final Penalty Total</b> \$1,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,250	

## Economic Benefit Worksheet

**Respondent** Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

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)	\$200	13-Sep-2019	8-Nov-2020	1.16	\$12	n/a	\$12

#### Notes for DELAYED costs

Estimated delayed cost to submit a written notification to the EPA Regional Administrator and obtain an EPA Identification Number. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$12



<b>Screening Date</b>	2-Mar-2020	<b>Docket No.</b>	2020-0507-MLM-E	<b>PCW</b>
<b>Respondent</b>	Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59065			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN105676985			
<b>Media</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.261(a) and 40 CFR § 273.39(b)			
<b>Violation Description</b>	Failed to maintain a record of each shipment of universal waste.			
		<b>Base Penalty</b>	\$25,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
			<b>Adjustment</b>	\$23,750	
				\$1,250	

<b>Violation Events</b>					
	Number of Violation Events	1	55	Number of violation days	
	daily				<b>Violation Base Penalty</b> \$1,250
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
	One single event is recommended.				

<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		
<b>Notes</b>	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>	\$29	<b>Violation Final Penalty Total</b>	\$1,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,250	

## Economic Benefit Worksheet

**Respondent** Daniel Ramirez and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck  
**Case ID No.** 59065  
**Reg. Ent. Reference No.** RN105676985  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

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	\$500	13-Sep-2019	8-Nov-2020	1.16	\$29	n/a	\$29
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

Estimated delayed cost to maintain universal waste shipment records at the Facility. The date required is the initial investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$29



# Compliance History Report

Compliance History Report for CN603440447, RN105676985, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN603440447, Daniel Ramirez

**Classification:** UNCLASSIFIED

**Rating:** -----

**Regulated Entity:** RN105676985, San Antonio Auto & Truck

**Classification:** UNCLASSIFIED

**Rating:** -----

**Complexity Points:** 6

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 925 SOMERSET ROAD IN SAN ANTONIO, BEXAR COUNTY, TEXAS

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

STORMWATER PERMIT TXR05BK09

**INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID**  
NUMBER F2067

**TIRES REGISTRATION** 10379

**Compliance History Period:** September 01, 2015 to August 31, 2020

**Rating Year:** 2020

**Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** September 11, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 11, 2015 to September 11, 2020

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

**Name:** Carlos Molina

**Phone:** (512) 239-2557

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

N/A

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

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

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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.



# Compliance History Report

Compliance History Report for CN602307696, RN105676985, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN602307696, D. D. RAMIREZ, INC. **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN105676985, San Antonio Auto & Truck **Classification:** UNCLASSIFIED **Rating:** -----

**Complexity Points:** 6 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 925 SOMERSET ROAD IN SAN ANTONIO, BEXAR COUNTY, TEXAS

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

**STORMWATER PERMIT** TXR05BK09

**INDUSTRIAL AND HAZARDOUS WASTE  
NONPERMITTED ID NUMBER** F2067

**TIRES REGISTRATION** 10379

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

**Date Compliance History Report Prepared:** February 24, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 24, 2015 to February 24, 2020

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

**Name:** Carlos Molina

**Phone:** (512) 239-2557

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

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

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

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
DANIEL RAMIREZ DBA SAN ANTONIO  
AUTO & TRUCK AND D. D. RAMIREZ, INC.  
DBA SAN ANTONIO AUTO & TRUCK;  
RN105676985

§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2020-0507-MLM-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck ("Respondents") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 371. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by Chris Pepper of Rigby Slack Lawrence Berger and Comerford, PLLC, together stipulate that:

1. Respondents own and operate an auto salvage operation located at 819 and 925 Somerset Road in San Antonio, Bexar County, Texas (the "Facility"). The Facility involves or involved the management of municipal solid waste, including scrap tires and industrial and hazardous waste, as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facility also involves or involved the management of used oil, as defined in TEX. HEALTH & SAFETY CODE ch. 371.
2. The Executive Director and Respondents agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of eleven thousand two hundred fifty dollars (\$11,250.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid eleven thousand two hundred-fifty dollars (\$11,250.00) of the penalty.
5. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or

other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

1. During an investigation conducted on September 13, 2019, and a record review conducted on January 7, 2020, an investigator documented that Respondents:
  - a. Failed to obtain a scrap tire storage site registration for the Facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers, in violation of 30 TEX. ADMIN. CODE § 328.56(d)(2). Specifically, approximately 1,500 scrap tires were stored outside on the ground, in exposed conditions at the Facility;
  - b. Failed to mark or clearly label used oil storage containers with the words "Used Oil," in violation of 40 C.F.R. § 279.22(c)(1) and 30 TEX. ADMIN. CODE § 324.1. Specifically, one 55-gallon and one 5-gallon container were not labeled with the words "Used Oil;"
  - c. Failed to prevent the disposal of used oil on the ground and failed to clean up and manage properly the release of used oil, in violation of 40 C.F.R. § 279.22(d)(3) and 30 TEX. ADMIN. CODE §§ 324.1, 324.4(1), and 324.6. Specifically, oil was disposed of on the ground at the following locations: approximately 16,000 square feet at the concrete containment area located in the southwest corner of the property, approximately 4,000 square feet of impacted soil north of the containment area, and approximately 200 square feet of impacted soil along the entire south facing containment area wall;
  - d. Failed to properly store spent lead-acid batteries in a structurally sound container to prevent releases, in violation of 40 C.F.R. § 273.33(a)(1) and 30 TEX. ADMIN. CODE § 335.261(a). Specifically, ten lead-acid batteries were stored on a concrete floor and not in containers;
  - e. Failed to properly label spent lead-acid batteries, or containers used to store used batteries, with the words "Universal Waste-Battery(ies)" or "Used Battery(ies)," in violation of 40 C.F.R. § 273.34(a) and 30 TEX. ADMIN. CODE § 335.261(a). Specifically, two pallets storing a total of 340 spent lead-acid batteries were not labeled properly;
  - f. Failed to immediately contain a release of universal waste and determine whether any resulting material is hazardous waste, in violation of 40 C.F.R. § 273.37(a) and (b) and 30 TEX. ADMIN. CODE § 335.261(a). Specifically, two spent lead-acid batteries were observed to have discharged onto a concrete floor and one battery was observed to have been damaged with an exposed core;
  - g. Failed to submit written notification of the Facility's large quantity handler status and universal waste management to the Environmental Protection Agency ("EPA") Regional Administrator and receive an EPA Identification Number, in violation of 40 C.F.R. § 273.32(a)(1) and 30 TEX. ADMIN. CODE § 335.261(a); and
  - h. Failed to maintain a record of each shipment of universal waste, in violation of 40 C.F.R. § 273.39(b) and 30 TEX. ADMIN. CODE § 335.261(a).

## **III. DENIALS**

Respondents generally deny each Allegation in Section II.



#### IV. ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondents' compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondents shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, cease any additional discharges of used oil and universal waste, including batteries, at the Facility (Allegations 1.c. and 1.f.).
  - b. Within 30 days after the effective date of this Order:
    - i. Mark or clearly label all used oil containers with the words "Used Oil," in accordance with 40 C.F.R. § 279.22 (Allegation 1.b.);
    - ii. Obtain a scrap tire storage site registration for the Facility, in accordance with 30 TEX. ADMIN. CODE § 328.56 (Allegation 1.a.);
    - iii. Properly store lead-acid batteries at the Facility, in accordance with 40 C.F.R. § 273.33 (Allegation 1.d.);
    - iv. Properly label all spent lead-acid batteries at the Facility with the words "Universal Waste-Battery(ies)" and "Used Battery(ies)," in accordance with 40 C.F.R. § 273.34 (Allegation 1.e.);
    - v. Remove and dispose of the damaged lead acid batteries at an authorized facility and determine whether resulting material is hazardous waste, in accordance with 40 C.F.R. § 273.37 (Allegation 1.f.);
    - vi. Submit a written notification to the EPA Regional Administrator and obtain an EPA Identification Number, in accordance with 40 C.F.R. § 273.32 (Allegation 1.g.); and
    - vii. Maintain universal waste shipment records at the Facility, in accordance with 40 C.F.R. § 273.39 (Allegation 1.h.).
  - c. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.i., to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b.i. through 2.b.vii.
  - d. Within 180 days after the effective date of this Order, conduct an investigation to determine whether response actions at the Facility are necessary under the Texas Risk Reduction Program ("TRRP"), 30 TEX. ADMIN. CODE ch. 350, and submit the investigation results to the Executive Director, via the Order Compliance Team, to the address listed in Ordering Provision No. 2.i. The investigation results shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall include the certification language found in Ordering Provision No. 2.i.
  - e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the investigation results within 15 days after the date of such requests or by any other deadline specified in writing by the TCEQ.
  - f. If the Executive Director determines that response actions pursuant to 30 TEX. ADMIN. CODE ch. 350 are necessary, Respondents shall submit, by the deadline prescribed by the Executive Director, an Affected Property Assessment

Report ("APAR"), pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Order Compliance Team at the address listed in Ordering Provision No. 2.i, and to any additional addresses as directed by the Executive Director.

- g. If the Executive Director determines that the APAR indicates that additional response actions are necessary, Respondents shall comply with, and perform, all applicable requirements of TRRP, which may include plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and institutional controls under Subchapter F (30 TEX. ADMIN. CODE § 350.111).
- h. Within 300 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.i., to demonstrate compliance with Ordering Provisions Nos. 2.e., and 2.g.
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall include the following certification language:

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

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

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

and:

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

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. If Respondents fail to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE (1 of 2)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



12/12/22

For the Executive Director

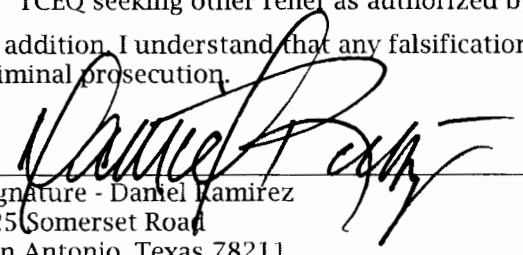
Date

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

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

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

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

  
Signature - Daniel Ramirez  
925 Somerset Road  
San Antonio, Texas 78211

Date

9/7/22

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

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SIGNATURE PAGE (2 of 2)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



12/12/22

For the Executive Director

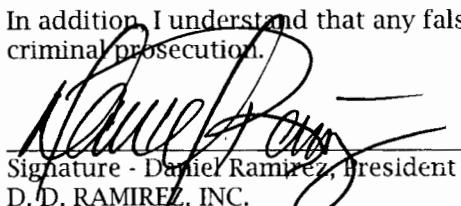
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- TCEQ seeking other relief as authorized by law.

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

  
Signature - Daniel Ramirez, President  
D. D. RAMIREZ, INC.  
925 Somerset Road  
San Antonio, Texas 78211

Date

9/7/22

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

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