

Antonio Saucedo

RN105599674

Docket No. 2020-0635-MSW-E

Order Type:
Default Order**Media:**
MSW**Small Business:**
Yes**Location Where Violation Occurred:**
101 Hickory Street, Junction, Kimble County (the “Site”)**Type of Operation:**
unauthorized municipal solid waste disposal site**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$2,150
Past-Due Fees:	\$500
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 11, 2024**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$7,500**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$7,500**Compliance History Classifications:**

Person/CN - High
Site/RN - Not Applicable

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** April 2014**Investigation Information****Complaint Date:** N/A**Dates of Investigation:** February 28, 2020 through March 13, 2020**Date of NOV:** N/A**Date of NOE:** April 6, 2020

Antonio Saucedo
RN105599674
Docket No. 2020-0635-MSW-E

Violation Information

Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste (“MSW”) [30 TEX. ADMIN. CODE § 330.15(a) and (c) and TCEQ Agreed Order Docket No. 2017-1569-MSW-E Ordering Provision Nos. 2.a. through 2.f.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately cease unauthorized disposal of additional MSW, including scrap tires, at the Site.
2. Within 30 days properly remove all MSW at the Site and dispose of it at an authorized facility.
3. Within 60 days conduct an affected property assessment by conducting an investigation to determine whether response actions at the Site are necessary under the Texas Risk Reduction Program.
4. Respond completely and adequately to all requests for information concerning the investigation results within 15 days after the date of such requests or any other deadline specified in writing by TCEQ.
5. Within 75 days submit written certification to demonstrate compliance with Technical Requirement Nos. 2 through 4.

Litigation Information

Date Petition Filed: December 14, 2023
Date of Service: December 23, 2023
Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: Jim Sallans, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Karolyn Kent, Enforcement Division, (512) 239-2536
TCEQ Regional Contact: Michael Taylor, P.G., San Angelo Regional Office, (325) 659-6704
Respondent Contact: Antonio Saucedo, Property Manager, P.O. Box 494, Junction, Texas 76849
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	13-Apr-2020	Screening	24-Apr-2020	EPA Due	
	PCW	28-Jul-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Antonio Saucedo
Reg. Ent. Ref. No.	RN105599674
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	55302	No. of Violations	1
Docket No.	2020-0635-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,250
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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	10.0% Adjustment	Subtotals 2, 3, & 7	\$625
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Notes: Enhancement for one order containing a denial of liability. Reduction for High Performer classification.

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: \$4,956
 Estimated Cost of Compliance: \$51,030
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	9.1% Adjustment	\$625
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment to offset High Performer Classification.

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,500
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Screening Date 24-Apr-2020

Docket No. 2020-0635-MSW-E

PCW

Respondent Antonio Saucedo

Policy Revision 4 (April 2014)

Case ID No. 55302

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105599674

Media Municipal Solid Waste

Enf. Coordinator Karolyn Kent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 20%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability. Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 24-Apr-2020

Docket No. 2020-0635-MSW-E

PCW

Respondent Antonio Saucedo

Policy Revision 4 (April 2014)

Case ID No. 55302

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105599674

Media Municipal Solid Waste

Enf. Coordinator Karolyn Kent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(a) and (c) and TCEQ Docket No. 2017-1569-MSW-E Ordering Provision Nos. 2.a. through 2.f.

Violation Description Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, the Respondent had disposed of approximately 79 cubic yards of MSW consisting of 415 scrap tires and tires on wheels, scrap metal, rubbish and mixed MSW, and contaminated soil.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	5.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 5 Number of violation days 420

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$6,250

Five quarterly events are recommended from the March 1, 2019 effective date of the previous Order to the April 24, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$6,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,956

Violation Final Penalty Total \$7,500

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

Economic Benefit Worksheet

Respondent Antonio Saucedo
Case ID No. 55302
Reg. Ent. Reference No. RN105599674
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	\$50,000	1-Mar-2019	7-Feb-2021	1.94	\$4,856	n/a	\$4,856
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,030	1-Mar-2019	7-Feb-2021	1.94	\$100	n/a	\$100

Notes for DELAYED costs

Estimated delayed cost to remove MSW, including scrap tires, from the Site and dispose of it at an authorized disposal facility (\$1030), and to conduct the affected property assessment (\$50,000). Dates Required are the effective date of the previous order, and the Final Dates are 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

\$51,030

TOTAL

\$4,956

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 CN603395054, RN105599674, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN603395054, Saucedo, Antonio **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN105599674, 101 Hickory Street Junction **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 101 Hickory Street, Junction, Kimble County, Texas 76849-3009
TCEQ Region: REGION 08 - SAN ANGELO
ID Number(s):

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019
Date Compliance History Report Prepared: April 15, 2020
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: April 15, 2015 to April 15, 2020

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

Name: Karolyn Kent

Phone: (512) 239-2536

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: 03/01/2019 ADMINORDER 2017-1569-MSW-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 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(a) and (c). Specifically, the Respondent disposed of MSW consisting of automobile parts, abandoned automobiles, trailers, campers, mobile homes, boats, appliances, 638 waste tires, sheet metal, bricks, chairs, tractors, tire rims, wood planks, toys, radiators, engines, windows, window screens, propane tanks, hoses, heavy equipment, brush, electrical lights, spent

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 4/15/2015 and 4/15/2020

1	Date: 05/04/2017 (1402614)	Classification: Moderate
	Self Report? NO	For Informational Purposes Only
	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(a) and (c). Specifically, the Respondent disposed of MSW consisting of automobile parts, abandoned automobiles, trailers, campers, mobile homes, boats, appliances, 638 waste tires, sheet metal, bricks, chairs, tractors, tire rims, wood planks, toys, radiators, engines, windows, window screens, propane tanks, hoses, heavy equipment, brush, electrical lights, spent	

* NOVs applicable for the Compliance History rating period 9/1/2014 to 8/31/2019

Appendix B

All Investigations Conducted During Component Period April 15, 2015 and April 15, 2020

		(1420974)
Item 1	June 27, 2017**	For Informational Purposes Only
		(1435625)
Item 2	October 06, 2017**	For Informational Purposes Only
		(1632941)
Item 3	April 06, 2020	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ANTONIO SAUCEDA;
RN105599674

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2020-0635-MSW-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s First Amended Report and Petition, filed pursuant to TEX. WATER CODE 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 Antonio Saucedá (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns and operates a municipal solid waste (“MSW”) site located at 101 Hickory Street in Junction, Kimble County, Texas (the “Site”). The Site contains or involves the management of MSW, as defined by TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation initiated from February 28, 2020, through March 13, 2020, an investigator documented that Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW. Specifically, Respondent had disposed of approximately 79 cubic yards of MSW consisting of 415 scrap tires and tires on wheels, scrap metal, rubbish and mixed MSW, and contaminated soil.
3. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Antonio Saucedá” (the “EDFARP”) in the TCEQ Chief Clerk’s office on December 14, 2023.
4. By letter dated to December 14, 2023, sent to Respondent’s last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt green card, Respondent received notice of EDPRP on December 23, 2023, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. 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) and TCEQ Agreed Order Docket No. 2017-1569-MSW-E Ordering Provision Nos. 2.a. through 2.f.
3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).

4. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. 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.
6. An administrative penalty in the amount of \$7,500 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. 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 \$7,500 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: Antonio Saucedo; Docket No. 2020-0635-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 unauthorized disposal of additional MSW, including scrap tires, at the Site;
 - b. Within 30 days after the effective date of this Order, properly remove all MSW at the Site and dispose of it at an authorized facility;
 - c. Within 60 days after the effective date of this Order, conduct an affected property assessment by conducting an investigation to determine whether response actions at the Site 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 Enforcement Team, to the address listed in Ordering Provision 3.e.;
 - d. Respondent shall respond completely and adequately, as determined by 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 TCEQ; and
 - e. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a., 3.b., 3.c., and 3.d. The certification 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware 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:

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

and:

Waste Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oaks Street, Suite K
San Angelo, Texas 76903-7035

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 Team 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 ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
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 JIM SALLANS

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Antonio Saucedo’ (the “EDFARP”) was filed in the TCEQ Chief Clerk’s office on December 14, 2023.

The EDFARP was mailed to Respondent's last known address on December 14, 2023, via certified mail, return receipt requested, postage prepaid. According to the return receipt green card, Respondent received notice of EDFARP on December 23, 2023, as evidenced by the signature on the card.

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

"My name is Jim Sallans, 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 Travis County,
State of Texas,
on the 7th day of August, 2024

A handwritten signature in cursive script that reads "Jim Sallans".

Declarant