

**John Adam Solis**  
**RN101829968**  
**Docket No. 2020-1333-PST-E**

**Order Type:**

Default Order (SOAH evidentiary hearing)

**Media:**

PST

**Small Business:**

Yes

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

141 Howard Marshall Boulevard, Littlefield, Lamb County

**Type of Operation:**

out-of-service underground storage tank ("UST") system

**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:**

November 18, 2022

**Comments Received:**

None

**Penalty Information****Total Penalty Assessed:** \$11,216**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$11,216**Compliance History Classifications:**

Person/CN - High  
 Site/RN - High

**Major Source:**

No

**Statutory Limit Adjustment:**

None

**Applicable Penalty Policy:**

April 2014

**Investigation Information****Complaint Date(s):** N/A**Date(s) of Investigation:** August 13, 2020**Date(s) of NOV(s):** N/A**Date(s) of NOE(s):** August 28, 2020

**John Adam Solis**  
RN101829968  
Docket No. 2020-1333-PST-E

**Violation Information**

1. Failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons [30 TEX. ADMIN. CODE § 334.54(b)(2)].
2. Failed to adequately protect a temporarily out-of-service UST system from corrosion [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(a)(2) and 334.54(b)(3)].
3. Failed to identify and designate for the UST facility at least one named individual for each class of operator – Class A, Class B, and Class C [30 TEX. ADMIN. CODE § 334.602(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

As of October 13, 2020, Respondent no longer owns the facility.

**Litigation Information**

**Date Petition(s) Filed:** May 28, 2021  
**Date Green Card(s) Signed:** June 4, 2021  
**Date Answer(s) Filed:** August 24, 2021  
**SOAH Referral Date:** October 13, 2021  
**Hearing Date(s):**  
Preliminary hearing: December 9, 2021  
Evidentiary hearing: October 11, 2022 (defaulted)

**Contact Information**

**TCEQ Attorneys:** Cynthia Sirois, 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:** Courtney Gooris, Enforcement Division, (817) 588-5863  
**TCEQ Regional Contact:** Jay Keith, Lubbock Regional Office, (806) 796-7092  
**Respondent Contact:** John Adam Solis, 1305 West 14th Street, Littlefield, Texas 79339  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	31-Aug-2020			
	<b>PCW</b>	29-Apr-2021	<b>Screening</b>	14-Sep-2020	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	John Adam Solis				
<b>Reg. Ent. Ref. No.</b>	RN101829968				
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	59946	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2020-1333-PST-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Tyler Richardson		
		<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>\$5,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>-10.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>-\$500</b>
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Notes	Reduction for High Performer classification.
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<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$6,216	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,190	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>149.2%</b>	Adjustment	<b>\$6,716</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1 and 2 and to offset High Performer classification.
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<b>Final Penalty Amount</b>	<b>\$11,216</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$11,216</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$11,216</b>
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**Screening Date** 14-Sep-2020

**Docket No.** 2020-1333-PST-E

**PCW**

**Respondent** John Adam Solis

*Policy Revision 4 (April 2014)*

**Case ID No.** 59946

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101829968

**Media** Petroleum Storage Tank

**Enf. Coordinator** Tyler Richardson

### 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)**

High Performer

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

**>> Compliance History Summary**

**Compliance History Notes**

Reduction for High Performer classification.

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

**>> Final Compliance History Adjustment**

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

Screening Date 14-Sep-2020

Docket No. 2020-1333-PST-E

PCW

Respondent John Adam Solis

Policy Revision 4 (April 2014)

Case ID No. 59946

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101829968

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.54(b)(2), 334.54(b)(3), 334.49(a)(2), and Tex. Water Code § 26.3475(d)

Violation Description Failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the dispenser's piping was not capped or secured against tampering. Also, failed to adequately protect a temporarily out-of-service underground storage tank ("UST") system from corrosion.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 32

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and checkboxes.

Violation Base Penalty \$3,750

One quarterly event is recommended from the August 13, 2020 investigation date to the September 14, 2020 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, and checkboxes.

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,126

Violation Final Penalty Total \$8,412

This violation Final Assessed Penalty (adjusted for limits) \$8,412

# Economic Benefit Worksheet

**Respondent** John Adam Solis  
**Case ID No.** 59946  
**Reg. Ent. Reference No.** RN101829968  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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	\$6,000	13-Aug-2020	14-Sep-2020	0.09	\$26	\$6,000	\$6,026
Other (as needed)	\$100	13-Aug-2020	14-Sep-2020	0.09	\$0	\$100	\$100

Notes for AVOIDED costs

Estimated avoided cost to install and test a corrosion protection system for the USTs at the Facility (\$6,000). Estimated avoided cost to lock and secure tank access points (\$100). The Dates Required are the investigation date, and the Final Dates are the screening date.

Approx. Cost of Compliance

\$6,100

**TOTAL**

\$6,126

Screening Date 14-Sep-2020

Docket No. 2020-1333-PST-E

PCW

Respondent John Adam Solis

Policy Revision 4 (April 2014)

Case ID No. 59946

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101829968

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.602(a)

Violation Description Failed to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C. Specifically, the Facility did not have a Class A and Class B operator.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 32 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a selection box (x).

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, and a selection box (x).

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$90

Violation Final Penalty Total \$2,804

This violation Final Assessed Penalty (adjusted for limits) \$2,804

## Economic Benefit Worksheet

**Respondent** John Adam Solis  
**Case ID No.** 59946  
**Reg. Ent. Reference No.** RN101829968  
**Media** Petroleum Storage Tank  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
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)	\$90	13-Aug-2020	14-Sep-2020	0.09	\$0	\$90	\$90

Notes for AVOIDED costs

Estimated avoided cost to obtain the required Class A and Class B operator training. The Date Required is the investigation date and the Final Date is the screening date.

Approx. Cost of Compliance \$90

**TOTAL** \$90





# Compliance History Report

Compliance History Report for CN605805324, RN101829968, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605805324, SOLIS, JOHN ADAM	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Regulated Entity:</b>	RN101829968, INCE OIL 5	<b>Classification:</b>	HIGH	<b>Rating:</b>	0.00
<b>Complexity Points:</b>	4	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	01 - Gas Stations with convenience Stores and other Gas Stations				
<b>Location:</b>	141 HOWARD MARSHALL BLVD LITTLEFIELD, TX 79339, LAMB COUNTY				
<b>TCEQ Region:</b>	REGION 02 - LUBBOCK				
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 7894 AIR NEW SOURCE PERMITS REGISTRATION 71093				
<b>Compliance History Period:</b>	September 01, 2015 to August 31, 2020	<b>Rating Year:</b>	2020	<b>Rating Date:</b>	09/01/2020
<b>Date Compliance History Report Prepared:</b>	December 14, 2020				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	December 14, 2015 to December 14, 2020				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Tyler Richardson			<b>Phone:</b>	(512) 756-3994

## Site and Owner/Operator History:

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

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
Item 1 November 07, 2016 (1371577)

**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  
JOHN ADAM SOLIS;  
RN101829968**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2020-1333-PST-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is John Adam Solis (“Respondent”).

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

### **FINDINGS OF FACT**

1. Respondent owned, as defined in 30 TEX. ADMIN. CODE § 334.2(78), an out-of-service underground storage tank (“UST”) system and a convenience store with retail sales of gasoline located at 141 Howard Marshall Boulevard in Littlefield, Lamb County, Texas (Facility ID No. 7894) (the “Facility”). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on August 13, 2020, an investigator documented that Respondent:
  - a. Failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the dispenser’s piping was not capped or secured against tampering;
  - b. Failed to adequately protect a temporarily out-of-service UST system from corrosion; and
  - c. Failed to identify and designate for the UST facility at least one named individual for each class of operator – Class A, Class B, and Class C. Specifically, the Facility did not have a Class A and Class B operator.
3. The Executive Director recognizes that Respondent no longer owns the Facility, as of October 13, 2020.
4. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against John Adam Solis” (the “EDPRP”) in the TCEQ Chief Clerk’s office on May 28, 2021.
5. Respondent’s Answer to the EDPRP and request for a hearing was filed on August 24, 2021, and the matter was referred to the State Office of Administrative Hearings (“SOAH”) on October 13, 2021.

6. On July 6, 2022, the Administrative Law Judge (“ALJ”) issued Order No. 3, which set the evidentiary hearing for October 11, 2022. The SOAH docket clerk mailed a copy of Order No. 3 to Respondent at his last known address via first class mail, postage pre-paid.
7. On October 11, 2022, the ALJ convened the evidentiary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from SOAH’s Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
8. On October 13, 2022, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 4 so that TCEQ may dispose of this case on a default basis.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to adequately protect a temporarily out-of-service UST system from corrosion, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(a)(2) and 334.54(b)(3).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to identify and designate for the UST facility at least one named individual for each class of operator – Class A, Class B, and Class C, in violation of 30 TEX. ADMIN. CODE § 334.602(a).
5. As evidenced by Finding of Fact No. 5, Respondent’s Answer to the EDPRP and request for a hearing was filed as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(d) and 30 TEX. ADMIN. CODE § 70.109.
6. As evidenced by Finding of Fact No. 6, Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV’T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, 1 TEX. ADMIN. CODE §§ 155.105(b), 155.401, and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.405, 39.413, 39.423, 39.425 and 80.6.
7. As evidenced by Findings of Fact Nos. 7 and 8, Respondent failed to appear for the evidentiary hearing, and pursuant to TEX. GOV’T CODE § 2001.056(4) and 1 TEX. ADMIN. CODE § 155.501(e), the ALJ dismissed the case from SOAH’s Docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b).
8. 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.
9. An administrative penalty in the amount of eleven thousand two hundred sixteen dollars (\$11,216.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. 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 eleven thousand two hundred sixteen dollars (\$11,216.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: John Adam Solis; Docket No. 2020-1333-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF CYNTHIA K. SIROIS

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against John Adam Solis' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 28, 2021.

Respondent Answer to the EDPRP and request for a hearing was filed on August 24, 2021, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on October 13, 2021. On July 6, 2022, the ALJ issued Order No. 3, which set the evidentiary hearing for October 11, 2022. The SOAH docket clerk mailed a copy of Order No. 3 to Respondent at his last known address via first class mail, postage pre-paid.

Respondent failed to appear at the hearing on October 11, 2022. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(e), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 4, issued on October 13, 2022, so that TCEQ may dispose of this case on a default basis.

"My name is Cynthia K. Sirois, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,  
State of Texas,  
on the 1st day of November, 2022

A handwritten signature in cursive script that reads "Cynthia K. Sirois".

\_\_\_\_\_  
Declarant