

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 61353
Jacob Martinez and Maria Chavira
RN111267555
Docket No. 2021-1246-MSW-E

Order Type:
Default Order

Media:
MSW

Small Business:
N/A

Location(s) Where Violation(s) Occurred:
5491 O'Leary Drive, near El Paso, El Paso County

Type of Operation:
the management of municipal solid waste (MSW), including scrap tires (the "Site")

Other Significant Matters:

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

Texas Register Publication Date: September 29, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,250

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$5,250

Compliance History Classifications:

Person//CN (605893841) – Satisfactory; CN (605893858) – Satisfactory
Site/RN – Satisfactory

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Date(s) of Investigation: April 29, 2021; August 4, 2021

Date(s) of NOV(s): June 1, 2021

Date(s) of NOE(s): August 13, 2021

Jacob Martinez and Maria Chavira

RN111267555

Docket No. 2021-1246-MSW-E

Violation Information

Failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers [TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN. CODE § 328.60(a)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Immediately cease storing any additional used and/or scrap tires at the Site until proper authorization is obtained.
2. Within 90 days reduce the number of scrap tires being stored at the Site to less than 500 on the ground or 2,000 used or scrap tires in enclosed and lockable containers, using a registered transporter and an authorized storage, processing, or disposal facility and maintaining manifests.
3. In lieu of Technical Requirement No. 2, within 180 days register the Site as a scrap tire storage facility.
4. Within 195 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2, or 1 and 3.

Litigation Information**Date Petition(s) Filed:** March 30, 2023**Date(s) of Service:** April 10, 2023**Contact Information****TCEQ Attorneys:** Erandi Ratnayake, 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:** Ken Moller, Enforcement Division, (512) 239-6111**TCEQ Regional Contact:** Kent Waggoner, P.G., El Paso Regional Office, (915) 834-4949**Respondent Contact:** Jacob Martinez, 5491 O'Leary Drive, El Paso, Texas 79938**Respondent's Attorney:** N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Aug-2021	Screening	1-Sep-2021	EPA Due	
	PCW	6-Jan-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jacob Martinez and Maria Chavira
Reg. Ent. Ref. No.	RN111267555
Facility/Site Region	6-El Paso
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61353	No. of Violations	1
Docket No.	2021-1246-MSW-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ken Moller
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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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	5.0% Adjustment	Subtotals 2, 3, & 7	\$250
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Notes	Enhancement for one NOV with the same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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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	\$1,075	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$18,865	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$5,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,250
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DEFERRAL		Reduction Adjustment	\$0
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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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PAYABLE PENALTY	\$5,250
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Screening Date 1-Sep-2021

Docket No. 2021-1246-MSW-E

PCW

Respondent Jacob Martinez and Maria Chavira

Policy Revision 5 (January 28, 2021)

Case ID No. 61353

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111267555

Media Waste Tires

Enf. Coordinator Ken Moller

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>)	1	5%
	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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 1-Sep-2021	Docket No. 2021-1246-MSW-E	PCW
Respondent Jacob Martinez and Maria Chavira		Policy Revision 5 (January 28, 2021)
Case ID No. 61353		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN111267555		
Media Waste Tires		
Enf. Coordinator Ken Moller		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual				Percent <input style="width: 80px;" type="text" value="0.0%"/>
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent <input style="width: 80px;" type="text" value="20.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jacob Martinez and Maria Chavira
Case ID No. 61353
Reg. Ent. Reference No. RN111267555
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	\$18,865	29-Apr-2021	19-Jun-2022	1.14	\$1,075	n/a	\$1,075
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 Site (3,773 tires at \$5 per tire disposal cost). 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

\$18,865

TOTAL

\$1,075

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Compliance History Report

Compliance History Report for CN605893841, RN111267555, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605893841, Jacob, Martinez	Classification: SATISFACTORY	Rating: 4.00
Regulated Entity:	RN111267555, 5491 OLEARY DR	Classification: SATISFACTORY	Rating: 4.00
Complexity Points:	1	Repeat Violator:	NO
CH Group:	14 - Other		

Location: 5491 Oleary Drive, El Paso, El Paso County, Texas 79938-8669
 TCEQ Region: REGION 06 - EL PASO

ID Number(s):
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
 R06111267555

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 30, 2016 to September 30, 2021

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

Name: Alain Elegbe **Phone:** (512) 239-6924

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.

- 1 Date: 06/01/2021 (1711066)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 328, SubChapter F 328.60(a)
 Description: Failure to obtain a scrap tire storage site registration for a facility storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. At the time of the investigation, property failed to obtain a scrap tire storage registration.

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

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Compliance History Report

Compliance History Report for CN605893858, RN111267555, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605893858, Maria, Chavira **Classification:** SATISFACTORY **Rating:** 4.00

Regulated Entity: RN111267555, 5491 OLEARY **Classification:** SATISFACTORY **Rating:** 4.00

Complexity Points: DR 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 5491 Oleary Drive, El Paso, El Paso County, Texas 79938-8669

TCEQ Region: REGION 06 - EL PASO

ID Number(s):
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
 R06111267555

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 30, 2016 to September 30, 2021

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

Name: Alain Elegbe **Phone:** (512) 239-6924

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 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.

- 1 Date: 06/01/2021 (1711066)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 328, SubChapter F 328.60(a)
- Description: Failure to obtain a scrap tire storage site registration for a facility storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. At the time of the investigation, property failed to obtain a scrap tire storage registration.

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
JACOB MARTINEZ AND
MARIA CHAVIRA;
RN111267555**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2021-1246-MSW-E

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

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

FINDINGS OF FACT

1. Respondents own a residence located at 5491 O’Leary Drive near El Paso, El Paso County, Texas (the “Site”). The Site contains and/or involves the management of municipal solid waste (“MSW”), including scrap tires, as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on and around April 29, 2021, and a record review conducted on and around August 4, 2021, an investigator documented that Respondents failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers. Specifically, approximately 3,773 used or scrap tires were stored on the ground at the Site without a scrap tire storage site registration.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jacob Martinez and Maria Chavira” (the “EDPRP”) in the TCEQ Chief Clerk’s office on March 30, 2023.
4. By letter dated March 30, 2023, sent to Respondents’ last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt “green card,” Respondents received notice of the EDPRP on April 10, 2023, as evidenced by the signatures on the cards.
5. More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are 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, Respondents failed to obtain a scrap tire storage site registration for the Site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers, in violation of TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN CODE § 328.60(a).

3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondents with proper notice of the EDPRP, 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, Respondents 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 Respondents 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 Respondents 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 five thousand two hundred fifty dollars (\$5,250.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
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. Respondents are assessed an administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' 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: Jacob Martinez and Maria Chavira; Docket No. 2021-1246-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. Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease storing any additional used and/or scrap tires at the Site until proper authorization is obtained.
 - b. Within 90 days after the effective date of this Order, reduce the number of scrap tires being stored at the Site to less than 500 on the ground or 2,000 used or scrap tires in enclosed and lockable containers, using a registered transporter and an authorized storage, processing, or disposal facility and maintaining manifests, in accordance with 30 TEX. ADMIN CODE § 328.59.
 - c. In lieu of Ordering Provisions No. 3.b., within 180 days after the effective date of this Order, register the Site as a scrap tire storage facility, in accordance with TEX. HEALTH & SAFETY CODE § 361.112(a) and 30 TEX. ADMIN CODE § 328.60(a).
 - d. Within 195 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b., or 3.a. and 3.c.

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

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

and:

Waste Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 E. Franklin Ave, Ste 560
El Paso TX 79901-1212

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents.
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 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 Enforcement Division at the address listed above.
7. 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.
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 Respondents if the Executive Director determines that Respondents have 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 ERANDI RATNAYAKE

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Jacob Martinez and Maria Chavira’ (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on March 30, 2023.

The EDPRP was mailed to Respondents’ last known address on March 30, 2023, via certified mail, return receipt requested, postage prepaid. According to the return receipt “green cards,” Respondents’ received notice of the EDPRP on April 10, 2023, as evidenced by the signatures on the cards.

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

"My name is Erandi Ratnayake, 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 21st day of August, 2023

A handwritten signature in cursive script that reads "Erandi Ratnayake".

Declarant