Order Type:
Default Order

Media: MSW

Small Business: No

Location(s) Where Violation(s) Occurred:	
3603 North Country Road 2760, Lubbock, Lubbock County (the "Site")	

Type of Operation:

unauthorized municipal solid waste ("MSW") disposal site

Other Significant Matters:

Other Significant Matters.	
Additional Pending Enforcement Actio	ons: None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None
Texas Register Publication Date:	February 16, 2024
Comments Received:	None
	Penalty Information

Total Penalty Assessed:	\$26,250
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$26,250

Compliance History Classifications

Person/CN: Satisfactory (CN605886373, Raymond Lemons, Sr.); and N/A (CN606172716, Gaynell Lemons)	
Person/CN:	Satisfactory (CN605886373, Raymond Lemons, Sr.); and
	N/A (CN606172716, Gaynell Lemons)
Site/RN:	Satisfactory; N/A

Major Source:

Yes

Statutory Limit Adjustment:	None
Applicable Penalty Policy:	January 28, 2021

Investigation Information

Complaint Date(s): Complaint Information:	April 1, 2021 Incident No. 353609: The complainant alleged improper handling of waste on a property in Lubbock County.
Date(s) of Investigation:	April 27, 2021; August 12, 2021 (Record Review)
Date(s) of NOV(s):	June 7, 2021
Date(s) of NOE(s):	September 14, 2021

Violation Information

Respondents caused, suffered, allowed, or permitted the unauthorized disposal of MSW at the Site [30 Tex. ADMIN. CODE § 330.15(a) and (c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

- 1. Immediately cease disposing of any additional MSW at the Site;
- 2. Within 180 days remove all MSW, including scrap tires, from the Site and dispose of it at an authorized facility; and
- 3. Within 195 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1 and 2.

Litigation Information

Date Petition(s) Filed:	November 7, 2023
Date(s) of Service:	November 10, 2023
Date Answer(s) Filed:	None

Contact Information

TCEQ Attorneys: Taylor Pack Ellis, 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: Jason Lindeman, Lubbock Regional Office, (806) 796-7092

Respondent Contact: Raymond Lemons, Sr. and Gaynell Lemons, Owners, 3618 East 15th Street, Lubbock, Texas 79403

Respondent's Attorney: None

DATES Assigned 20-Sep:-2021 Screening Z4-Sep-2021 EPA Due RESPONDENT/FACILITY INFORMATION Respondent Raymond Lemons, Sr. and Gaynell Lemons Respondent Raymond Lemons, Sr. and Gaynell Lemons Respondent Raymond Lemons, Sr. and Gaynell Lemons Major/Minor Source Major CASE INFORMATION Respondent Raymond Lemons, Sr. and Gaynell Lemons Government/Kon-Protitic No Enf. / Case ID No. [1397] Docket No. 22.1.bbock Major/Minor Source Major Media Program(s) Multi-Media Government/Kon-Protitic No Enf. Case Informet Team 6 Cordinator Haline Admin. Penalty S Limit Minimum 50 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penaltics) Subtotal 1 \$25,000 Subtotal 2.7 or oblated By multiphysight lotal Base Penalty (Subtotal 1) by the indicated percentage. Subtotal 2.7 or oblated By multiphysight lotal Base Penalty (Subtotal 1) by the indicated percentage. Subtotal 4 \$00 Notes Enhancement for one NOV with same/similar violations. Subtotal 4 \$00 Notes The Respondents do not meet the culpability criteria. Subtotal 5 \$00 Edonal Effort to Comply	S COMMISSION	Policy Re	Pe evision 5 (January 28	-	Calculatio	n Worksl	neet (PC	-	vision February 11, 2021
RESPONDENT/FACILITY INFORMATION Respondent Raymond Lemons, Sr. and Gaynell Lemons Reg. Ent. Ref. No. (RMI1255725 Facility/Site Region [2:Lubbock Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 6[3397 Docket No. [2021-1300-MSW-E Media Program(s) Municipal Solid Waste Multi-Media Multi-Media Corgarna(s) Municipal Solid Waste Multi-Media Subtorial Solid Waste Corgarna(s) Municipal Solid Waste Government/Non-Profit Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtorial 5 -7 are oblanded by multipying the Total Base Penalty (Subtorial 1 by the Indicated percentage. Compliance History 5.0% Adjustment Subtorial 5 - 70 Subtorial 4 Notes Enhancement for one NOV with same/similar violations. Culpability No Outes Enhancement Subtorial 5 Subtorial 5 - \$00 Economic Benefit 0.0% Enhancement Subtorial 5 - \$00 Estimated Cost of Com	DATES	Assigned	20-Sep-2021						
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Reg. Ent. Ref. No. [N111255725 Pacility/Site Region 21:Ubbock CASE INFORMATION [5137] Enf./Case ID No. [5137] Docket No. [20:1:300-MSW-E] Government/Non-Profit [No. of Violations] Multi-Media Covernment/Non-Profit Multi-Media Covernment/Non-Profit Multi-Media Subtotal Solid Waste Enf. Coordinator Alain Elegbe EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum 50 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotals 2-7 are obtained by multipying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2-7 are obtained by multipying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 5.0% Augustment Subtotal 2 \$1,250 Notes Enhancement for one NOV with same/similar violations. \$20,263 \$20,263 Culpability No 0.0% Enhancement Subtotal 5 \$0 Notes The Respondents do not meet the culpability criteria.	RESPO	NDENT/FACILI	TY INFORMATI	ON					
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Notes Deferral not offered for non-expedited settlement.			enalty by the indicate	1 nercentage			Reduction	Adjustment	\$0
PAYABLE PENALTY \$26,250	incluces t				red for non-expe	dited settlemer	it.		
	PAYA		Y					-	\$26,250

	Media Municipal Solid Waste Enf. Coordinator Alain Elegbe								
	Compliance History Worksheet								
>>		istory Site Enhancement (Subtotal 2)	Number	Adjust					
	Componen	Written notices of violation ("NOVs") with same or similar violations as those in		Adjust.					
	NOVs	the current enforcement action (number of NOVs meeting criteria)	1	5%					
		Other written NOVs Any agreed final enforcement orders containing a denial of liability (<i>number of</i>	0	0%					
		orders meeting criteria)	0	0%					
	Orders	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%					
	Judgment and Conse		0	0%					
	Decrees	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%					
	Conviction	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%					
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were</i> <i>disclosed</i>)	0	0%					
		Environmental management systems in place for one year or more	No	0%					
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%					
	Other	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 Per	centage (Sub	ototal 2)	5%				
>>	Repeat Violat	or (Subtotal 3)							
		No Adjustment Per	centage (Sub	ototal 3)	0%				
>>	Compliance H	istory Person Classification (Subtotal 7)							
	1	I/A Adjustment Per	centage (Sub	ototal 7)	0%				
>>	Compliance H	istory Summary							
	Compliand History Notes	Enhancement for one NOV with same/similar violations.							
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	5%				
>>	Final Complian	ce History Adjustment Final Adjustment Percent	ano *connod	at 100%	5%				
		rinai Aujustinent Percenta	aye "capped	at 100%	5%				

Docket No. 2021-1300-MSW-E

Screening Date 24-Sep-2021

Case ID No. 61397

Reg. Ent. Reference No. RN111255725

Respondent Raymond Lemons, Sr. and Gaynell Lemons

PCW Revision February 11, 2021

		ening Date				et No. 2021-1300-MSW-E			PCW
		-	Raymond Lemo	ons, Sr. and G	aynell Lemons				anuary 28, 2021)
Deg		Case ID No.					PCV	V Revision Fe	ebruary 11, 2021
keg.	Ent. Rei	erence No. Media	Municipal Solid	Wasto					
	Enf. C	Coordinator		Waste					
		ation Number	1						
		Rule Cite(s)		I <u></u>					
		Kule Cite(S)		30 Tex.	Admin. Code §	330.15(a) and (c)			
	Violatio	n Description	solid waste ("M	1SW"). Specifi d furniture, m	cally, approxim etal, plastics, a	ne unauthorized disposal of ately 40 cubic yards of MSV nd carpet, and approximate sed of at the Site.	V consisting		
						Ва	se Penalty		\$25,000
>> Fn	vironme	ntal. Prope	rty and Hum	an Health	Matrix				
~ ~ Lii	vii onnie		cy and nam	Harm	FIGURA				
		Release	Major	Moderate	Minor				
OR		Actual		x		Deveent 50.000	-		
		Potential				Percent 50.0%	0		
>>Pro	oramma	tic Matrix							
	gramma	Falsification	Major	Moderate	Minor				
						Percent 0.0%	0		
								r	
	Matrix					ignificant amounts of polluta			
	Notes	do not excee	d levels that are	•		or environmental receptors	as a result		
				of	the violation.				
						Adjustment	\$12,500		
						Aujustment	φ12, 5 00		
							l		\$12,500
Vieleti	ion Even	••							
violati	ion Even	LS							
		Number of \	/iolation Events	2	1 🗖	43 Number of violation	n days		
			daily						
			weekly						
			monthly quarterly	X		Violation Ba	co Donaltv		\$25,000
			semiannual			Violation Ba	serenary		425,000
			annual						
			single event						
								r	
		Two month	ly events are re	commended f	rom the August	: 12, 2021 record review da	te to the		
				September 2	4, 2021 screen	ing date.			
Good F	Faith Effe	orts to Com	ply	0.0%			Reduction		\$0
				Before NOE/NOV	NOE/NOV to EDPF	RP/Settlement Offer			
			Extraordinary						
			Ordinary	X					
			N/A	<u> X </u>	L		٦		
			Notes	The Respond		et the good faith criteria for			
					this vio	lation.			
							-		
						Violatio	n Subtotal		\$25,000
Econor	mic Bene	efit (EB) for	this violation	on		Statutory Lim	it Test		
		Estimate	ed EB Amount		\$12,523	Violation Final Pe	nalty Total		\$26,250
				This viol:	ation Final Acc	essed Penalty (adjusted	for limits)		\$26,250
									<i>ψ</i> 20,230

	E	conomic	Benefit	Woi	ksheet		
Respondent	Raymond Lem	ons, Sr. and Gayı	nell Lemons				
Case ID No.	61397						
Reg. Ent. Reference No.	RN111255725						
	Municipal Solic						Years of
Violation No.						Percent Interest	Depreciation
						5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1		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	\$204,978	27-Apr-2021	17-Jul-2022	1.22	\$12,523	n/a	\$12,523
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	cost of \$5 pe	r tire) from the Si investigation d	te and dispose of late and the Fina	of it at a al Date i	n authorized facilit is the estimated da		ed is the initial
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	· · · ·	one-time avoide	
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		\$204,978			TOTAL		\$12,523



Compliance History Report

Compliance History Report for CN605886373, RN111255725, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN605886373, Raymond Lemons, Sr.	Classification: SATISFACTO	DRY Rating: 4.00				
Regulated Entity:	RN111255725, Lemons UNA	Classification: SATISFACTO	DRY Rating: 4.00				
Complexity Points:	0	Repeat Violator: NO					
CH Group:	14 - Other						
Location:	3603 North County Road 2760, Lubbock,	Lubbock County, Texas 79403-72	20				
TCEQ Region:	REGION 02 - LUBBOCK						
ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER R02111255725							
	od: September 01, 2016 to August 31, 2	-	Rating Date: 09/01/2021				
Date Compliance History	y Report Prepared: September 24, 2	2021					
Agency Decision Requir	ing Compliance History: Enforceme	ent					
Component Period Selec	September 24, 2016 to September	r 24, 2021					
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance	History.				
Name: Alain Elegbe		Phone: (512) 239-69	92				
Site and Owner/Oper	<u>ator History:</u>						
 Has the site been in existence and/or operation for the full five year compliance period? Has there been a (known) change in ownership/operator of the site during the compliance period? Components (Multimedia) for the Site Are Listed in Sections A - J 							
	-						
N/A	udgments, and consent decrees:						
B. Criminal convictions: N/A							
C. Chronic excessive emissions events: N/A							
D. The approval dates on N/A	of investigations (CCEDS Inv. Trac	k. No.):					
A notice of violation repre regulated entity. A notic	olations (NOV) (CCEDS Inv. Track, esents a written allegation of a violation of e of violation is not a final enforcement act (07/2021 (1722653) NO 30 TAC Chapter 330, SubChapter A 330 30 TAC Chapter 330, SubChapter A 330 Failure to prevent the storage/disposal of mixed solid waste at an unauthorized fa	a specific regulatory requirement f tion, nor proof that a violation has Classification: Moderate .15(a) .15(c) of in excess of 500 used/scrap tire	actually occurred.				

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{$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

Compliance History Report

Compliance History Report for CN606172716, RN111255725, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN606172716, Lemons, Gaynell	Classification: NOT APPLI	CABLE Rating: N/A			
Regulated Entity:	RN111255725, Lemons UNA	Classification: NOT APPLI	CABLE Rating: N/A			
Complexity Points:	N/A	Repeat Violator: N/A				
CH Group:	14 - Other					
Location:	3603 North County Road 2760, Lubbock,	Lubbock County, Texas 79403-7	220			
TCEQ Region:	REGION 02 - LUBBOCK					
R02111255725	NON PERMITTED ID NUMBER od: September 01, 2016 to August 31, 2	021 Rating Year: 2021	Rating Date: 09/01/2021			
Date Compliance Histor	y Report Prepared: August 18, 2023	}				
Agency Decision Requir	ing Compliance History: Enforceme	ent				
Component Period Selec	cted: September 24, 2016 to September	er 24, 2021				
TCEQ Staff Member to C	ontact for Additional Information	Regarding This Compliance	e History.			
Name: Karolyn Kent		Phone: (512) 239-2	2536			
Site and Owner/Operator History: NO 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 NO A. Final Orders, court judgments, and consent decrees: Image: Component is the site site site site site site site sit						
N/A B. Criminal convictions N/A	:					
C. Chronic excessive emissions events: N/A						
D. The approval dates on N/A	of investigations (CCEDS Inv. Trac	k. No.):				
A notice of violation repre regulated entity. A notic	olations (NOV) (CCEDS Inv. Track esents a written allegation of a violation of e of violation is not a final enforcement ac /07/2021 (1722653) NO 30 TAC Chapter 330, SubChapter A 330 30 TAC Chapter 330, SubChapter A 330 Failure to prevent the storage/disposal mixed solid waste at an unauthorized fa	a specific regulatory requirement tion, nor proof that a violation ha Classification: Moderate 0.15(a) 0.15(c) of in excess of 500 used/scrap tir	s actually occurred.			

Customer was not affiliated to Regulated Entity at time of Compliance History Rating.

F. Environmental audits: N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{N/A}}$
- H. Voluntary on-site compliance assessment dates: $$\rm N/A$$
- 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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING RAYMOND LEMONS, SR. AND GAYNELL LEMONS; RN111255725 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2021-1300-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 respondents. The respondents made the subject of this Order are Raymond Lemons, Sr. and Gaynell Lemons ("Respondents").

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

FINDINGS OF FACT

- 1. Respondents own real property located at 3603 North Country Road 2760 in Lubbock, Lubbock 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 April 27, 2021, and a record review conducted on August 12, 2021, an investigator documented that Respondents caused, suffered, allowed, or permitted the unauthorized disposal of MSW at the Site. Specifically, approximately 40 cubic yards of MSW consisting of wood, used furniture, metal, plastics, carpet, and approximately 40,900 scrap tires were disposed of at the Site.
- 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 Raymond Lemons, Sr. and Gaynell Lemons" (the "EDFARP") in the TCEQ Chief Clerk's office on November 7, 2023.
- 4. By letter dated November 7, 2023, sent to Respondents' last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondents with notice of the EDFARP. According to the return receipt "green card," Respondents received notice of the EDFARP on November 10, 2023, as evidenced by the signature on the card.
- 5. More than 20 days have elapsed since Respondents received notice of the EDFARP. 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 caused, suffered, allowed, or permitted the unauthorized disposal of MSW at the Site, in violation of 30 Tex. ADMIN. CODE § 330.15(a) and (c).

- 3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondents 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, 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 \$26,250 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 \$26,250 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: Raymond Lemons, Sr. and Gaynell Lemons; Docket No. 2021-1300-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 disposing of any additional MSW at the Site;
 - b. Within 180 days after the effective date of this Order, remove all MSW, including scrap tires, from the Site and dispose of it at an authorized facility; and
 - c. 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. 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 Raymond Lemons, Sr. and Gaynell Lemons Docket No. 2021-1300-MSW-E Page 3

> 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 Lubbock Regional Office Texas Commission on Environmental Quality 5012 50th Street, Suite 100 Lubbock, Texas 79414-3426

- 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 receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 7. 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.
- 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.

Raymond Lemons, Sr. and Gaynell Lemons Docket No. 2021-1300-MSW-E Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF TAYLOR PACK ELLIS

"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 Raymond Lemons, Sr. and Gaynell Lemons' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on November 7, 2023.

The EDFARP was mailed to Respondents' last known address on November 7, 2023, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondents received notice of the EDFARP on November 10, 2023, as evidenced by the signature on the card.

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

"My name is Taylor Pack Ellis, 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 7	Гexas,			
on the	3	day of	January	, 2024

Declarant