

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62359
Javier Maldonado dba Auto Correct Paint and Body Shop
RN110053725
Docket No. 2022-0595-AIR-E

Order Type:
Default Order

Media:
AIR

Small Business:
N/A

Location(s) Where Violation(s) Occurred:
1392 Westward Ho, Navasota, Brazos County (the “Site”)

Type of Operation:
auto body repair and refinishing facility

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: \$1,640
Past-Due Fees: None
Other: None
Interested Third Parties: None

Texas Register Publication Date: March 31, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,375

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,375

Compliance History Classifications:
Person/CN - Unsatisfactory
Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: April 29, 2022

Date(s) of NOV(s): N/A

Date(s) of NOE(s): May 11, 2022

Violation Information

Failed to produce records relating to the operating of air pollution equipment during an investigation [TEX. HEALTH & SAFETY CODE §§ 382.016(b) and 382.085(b) and 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(iii)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days, either:
 - a. Permanently cease operating the auto body repair and refinishing activities at the Site;
or
 - b. Submit an administratively complete registration for a Permits by Rule or permit application to authorize the auto body repair and refinishing activities and the associated emission at the Site.
2. If a registration or permit application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the registration or permit application within any deadlines specified in writing.
3. Within 45 days submit written certification demonstrating compliance with Technical Requirement No. 1.
4. If a registration or permit application is submitted, within 180 days, submit written certification that either the authorization has been obtained or that operations have ceased until such time that the appropriate authorization has been obtained.

Litigation Information

Date Petition(s) Filed: November 22, 2022; December 20, 2022
Date(s) of Service: Unclaimed; December 28, 2022
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Peltier, 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: MacKenzie Mehlmann, Enforcement Division, (512) 239-2572

TCEQ Regional Contact: Jason Neumann, Waco Regional Office, (254) 751-0335

Respondent Contact: Javier Maldonado, Auto Correct Paint and Body Shop, 1392 Westward Ho,
Navasota, Texas 77868

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-May-2022	Screening	18-May-2022	EPA Due	
	PCW	9-Nov-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Javier Maldonado dba Auto Correct Paint and Body Shop
Reg. Ent. Ref. No.	RN110053725
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62359	No. of Violations	1
Docket No.	2022-0595-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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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	35.0%	Adjustment	Subtotals 2, 3, & 7	\$875
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Notes: Enhancement for one default order and an Unsatisfactory 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	\$162
Estimated Cost of Compliance	\$1,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,375
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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:

Final Penalty Amount	\$3,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,375
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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	\$3,375
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Screening Date 18-May-2022

Docket No. 2022-0595-AIR-E

PCW

Respondent Javier Maldonado dba Auto Correct Paint and Body Shop

Policy Revision 5 (January 28, 2021)

Case ID No. 62359

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110053725

Media Air

Enf. Coordinator Toni Red

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	1	25%
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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one default order and an Unsatisfactory Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 18-May-2022

Docket No. 2022-0595-AIR-E

PCW

Respondent Javier Maldonado dba Auto Correct Paint and Body Shop

Policy Revision 5 (January 28, 2021)

Case ID No. 62359

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110053725

Media Air

Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 116.115(b)(2)(E)(iii) and Tex. Health & Safety Code §§ 382.016(b) and 382.085(b)

Violation Description Failed to produce records relating to the operating of air pollution equipment during an investigation. Specifically, the Respondent did not provide purchase receipts or material usage records.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 39

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is event recommended.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$162

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent Javier Maldonado dba Auto Correct Paint and Body Shop
Case ID No. 62359
Reg. Ent. Reference No. RN110053725
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	5-Apr-2021	1-Jun-2023	2.16	\$162	n/a	\$162

Notes for DELAYED costs

Estimated cost to submit purchase receipts or material usage records. 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

\$1,500

TOTAL

\$162

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 CN605444140, RN110053725, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605444140, Javier Maldonado dba Auto Correct Paint and Body Shop **Classification:** UNSATISFACTORY **Rating:** 75.00

Regulated Entity: RN110053725, AUTO CORRECT PAINT AND BODY SHOP **Classification:** UNSATISFACTORY **Rating:** 75.00

Complexity Points: 0 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1392 WESTWARD HO IN NAVASOTA, BRAZOS COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s):
AIR QUALITY NON PERMITTED ID NUMBER
R09110053725

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

Date Compliance History Report Prepared: May 18, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 18, 2017 to May 18, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Toni Red **Phone:** (512) 239-1704

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:

- 1 Effective Date: 08/29/2019 ADMINORDER 2018-0883-AIR-E (Findings Order-Default)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THSC Chapter 382 382.0518(a)
 5C THSC Chapter 382 382.085(b)

Description: Failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondent operated an auto body refinishing facility prior to obtaining the proper authorization.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 2 August 11, 2020 (1664144)

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 NOV's Issued During Component Period 5/18/2017 and 5/18/2022

1	Date: 12/08/2017 (1455299)	Classification: Moderate
	Self Report? NO	
	Citation:	
	30 TAC Chapter 116, SubChapter B 116.110(a) 5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)	
	Description:	
	Failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §?116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, the Respondent operated an auto body refinishing facility prior to obtaining the proper authorization.	

* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period May 18, 2017 and May 18, 2022

Item 1	February 15, 2018**	(1465203)
Item 2	June 12, 2018**	(1483998)
Item 3*	August 11, 2020**	(1664144)
Item 4	May 11, 2022	(1811778)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JAVIER MALDONADO DBA AUTO
CORRECT PAINT AND BODY
SHOP;
RN110053725

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2022-0595-AIR-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. 382 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 Javier Maldonado dba Auto Correct Paint and Body Shop ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates an auto body repair and refinishing facility located at 1392 Westward Ho in Navasota, Brazos County, Texas (the "Site"). The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted on April 29, 2022, an investigator documented that Respondent failed to produce records relating to the operating of air pollution equipment during an investigation. Specifically, Respondent did not provide purchase receipts or material usage records.
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 Javier Maldonado dba Auto Correct Paint and Body Shop" (the "EDPRP") in the TCEQ Chief Clerk's office on November 22, 2022.
4. The EDPRP was mailed to Respondent's last known address on November 22, 2022, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on December 20, 2022.
6. By letter dated December 20, 2022, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on December 28, 2022, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. 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. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to produce records relating to the operating of air pollution equipment during an investigation, in violation of TEX. HEALTH & SAFETY CODE §§ 382.016(b) and 382.085(b) and 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(iii).
3. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondent 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. 7, 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 three thousand three hundred seventy-five dollars (\$3,375.00) 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. Respondent is assessed an administrative penalty in the amount of three thousand three hundred seventy-five dollars (\$3,375.00) 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: Javier Maldonado dba Auto Correct Paint and Body Shop; Docket No. 2022-0595-AIR-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. Within 30 days after the effective date of this Order, either:
 - i. Permanently cease operating the auto body repair and refinishing activities at the Site; or

- ii. Submit an administratively complete registration for a Permits by Rule, in accordance with 30 TEX. ADMIN. CODE ch. 106, or permit application, in accordance with 30 TEX. ADMIN. CODE § 116.111, to authorize the auto body repair and refinishing activities and the associated emissions at the Site, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a registration or permit application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the registration or permit application within any deadlines specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a. as described in Ordering Provision No. 3.e.
- d. If a registration or permit application is submitted, within 180 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.e., that either the authorization has been obtained or that operations have ceased until such time that the appropriate authorization has been obtained.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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

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

and:

Air Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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 Division 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 JENNIFER PELTIER

"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 Javier Maldonado dba Auto Correct Paint and Body Shop' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on November 22, 2022.

The EDPRP was mailed to Respondent's last known address on November 22, 2022 via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on December 20, 2022.

The EDPRP was mailed to Respondent's last known address on December 20, 2022, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on December 28, 2022, as evidenced by the signature on the card

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

"My name is Jennifer Peltier, 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 10th day of March 2023

A handwritten signature in cursive script, appearing to read "J Peltier".

Declarant