

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62517
RAYLEE TRUCKING SERVICES, INC.
RN102016235
Docket No. 2022-0764-MSW-E

Page 1 of 2

Order Type:
Default Order

Media:
MSW

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
1501 Corsicana Highway, Hillsboro, Hill County (the "Emergency Response Site")

Type of Operation:
commercial trucking company

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: December 8, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,625

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$2,625

Compliance History Classifications:
Person/CN – Unclassified
Site/RN – Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 15, 2021; January 7, 2022; February 22, 2022

Date(s) of NOV(s): September 10, 2021

Date(s) of NOE(s): April 13, 2022

Violation Information

Failed to submit written information describing the details of the discharge or spill and supporting the adequacy of the response action to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill [30 TEX. ADMIN. CODE § 327.5(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days submit a report that addresses all areas where released municipal solid waste was observed at the Emergency Response Site.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petition(s) Filed: September 13, 2023

Date(s) of Service: September 15, 2023

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Casey Kurnath, 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: Eresha Desilva, Enforcement Division, (512) 239-5084

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

Respondent Contact: Raquel Escalera, President, RAYLEE TRUCKING SERVICES, INC., 4006 Aidin Street, Laredo, Texas 78045-3402

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Apr-2022	Screening	16-Jun-2022	EPA Due	
	PCW	1-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	RAYLEE TRUCKING SERVICES, INC.				
Reg. Ent. Ref. No.	RN102016235				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62517	No. of Violations	1
Docket No.	2022-0764-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Karolyn Kent
		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	\$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	5.0%	Adjustment	Subtotals 2, 3, & 7	\$125
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Notes	Enhancement for one NOV with same/similar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does 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	\$844	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$2,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,625
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DEFERRAL	0.0%	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	\$2,625
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Screening Date	16-Jun-2022	Docket No.	2022-0764-MSW-E	PCW
Respondent	RAYLEE TRUCKING SERVICES, INC.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62517			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102016235			
Media	Municipal Solid Waste			
Enf. Coordinator	Karolyn Kent			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	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)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with 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	16-Jun-2022	Docket No.	2022-0764-MSW-E	PCW	
Respondent	RAYLEE TRUCKING SERVICES, INC.	<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No.	62517	<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No.	RN102016235				
Media	Municipal Solid Waste				
Enf. Coordinator	Karolyn Kent				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 327.5(c)				
Violation Description	<p>Failed to submit written information, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill. Specifically, on May 8, 2021, approximately 300 gallons of diesel fuel and 15 gallons of motor oil was spilled from the Respondent's semi-truck at 1501 Corsicana Highway in Hillsboro, Texas, impacting the asphalt parking lot and roadside ditch at the Emergency Response Site, and a spill report was not submitted by June 7, 2021, the required due date.</p>				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Major	Moderate	Minor		
	Actual	Potential	Percent	0.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
		X			10.0%
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				\$22,500	
				\$2,500	
Violation Events					
Number of Violation Events		1	374 Number of violation days		
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			
Violation Base Penalty				\$2,500	
One single event is recommended.					
Good Faith Efforts to Comply		0.0%	Reduction		
		\$0			
	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		\$844	Violation Final Penalty Total		
		\$2,625			
This violation Final Assessed Penalty (adjusted for limits)				\$2,625	

Economic Benefit Worksheet

Respondent RAYLEE TRUCKING SERVICES, INC.
Case ID No. 62517
Reg. Ent. Reference No. RN102016235
Media Municipal Solid Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Jun-2021	13-Feb-2023	1.69	\$844	n/a	\$844

Notes for DELAYED costs

Estimated delayed cost to submit a report describing the details of the spill and supporting the adequacy of the response actions. The Date Required is the date the spill report was due, 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

\$10,000

TOTAL

\$844

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 CN605911288, RN102016235, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605911288, RAYLEE TRUCKING SERVICES, INC. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN102016235, Loves Country Store 231 **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 1501 Corsicana Highway, Hillsboro, Hill County, Texas 76645

TCEQ Region: REGION 09 - WACO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 37054

EMERGENCY RESPONSE ID NUMBER R09102016235

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

Date Compliance History Report Prepared: June 16, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 16, 2017 to June 16, 2022

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

Name: Carolyn Kent

Phone: (512) 239-2536

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:

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	April 05, 2018	(1479755)
Item 2	July 11, 2019	(1596363)
Item 3	September 23, 2019	(1616380)
Item 4	October 16, 2019	(1616381)
Item 5	November 22, 2019	(1622161)
Item 6	January 07, 2020	(1629518)
Item 7	January 27, 2020	(1637157)
Item 8	February 20, 2020	(1643730)
Item 9	April 13, 2020	(1650338)
Item 10	April 15, 2020	(1650339)
Item 11	June 09, 2020	(1669760)
Item 12	July 21, 2020	(1676753)
Item 13	August 19, 2020	(1683506)
Item 14	September 15, 2020	(1690087)

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:	09/10/2021	(1736683)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 327 327.5(c)		
	Description:	Failure to provide a written description (report) of completed response action within 30 working days.		

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 6/16/2017 and 6/16/2022

1*	Date:	01/26/2021	(1697104)	
	Self Report?	NO		Classification: Minor
	Citation:			
		30 TAC Chapter 334, SubChapter C 334.42(i)		
	Description:	Failure to maintain sump #1 in a good working condition.		
	Self Report?	NO		Classification: Minor
	Citation:			
		30 TAC Chapter 334, SubChapter C 334.51(a)(6)		
	Description:	Failure to maintain the spill buckets in a good working condition.		
	Self Report?	NO		Classification: Moderate
	Citation:			
		30 TAC Chapter 334, SubChapter C 334.45(c)(3)(A)		
	Description:	Failure to maintain the shear valve pressurized piping in a good working condition.		

2	Date:	09/10/2021	(1736683)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 327 327.5(c)		
	Description:	Failure to provide a written description (report) of completed response action within 30 working days.		

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

Appendix B

All Investigations Conducted During Component Period June 16, 2017 and June 16, 2022

Item 1*	April 05, 2018**	(1479755)
Item 2*	July 11, 2019**	(1596363)
Item 3*	September 23, 2019**	(1616380)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RAYLEE TRUCKING SERVICES,
INC.;
RN102016235

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2022-0764-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. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 7, 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 RAYLEE TRUCKING SERVICES, INC. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a commercial trucking company that is responsible for a spill of diesel fuel and motor oil onto an asphalt parking lot and roadside ditch located at 1501 Corsicana Highway in Hillsboro, Hill County, Texas (the "Emergency Response Site"). The Emergency Response Site involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During record reviews conducted on July 15, 2021, January 7, 2022, and February 22, 2022, an investigator documented that Respondent failed to submit written information describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill. Specifically, on May 8, 2021, approximately 300 gallons of diesel fuel and 15 gallons of motor oil was spilled from the Respondent's semi-truck at 1501 Corsicana Highway in Hillsboro, Texas, impacting the asphalt parking lot and roadside ditch at the Emergency Response Site, and a spill report was not submitted by June 7, 2021, the required due date.
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 RAYLEE TRUCKING SERVICES, INC." (the "EDPRP") in the TCEQ Chief Clerk's office on September 13, 2023.
4. By letter dated September 13, 2023, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on September 15, 2023, as evidenced by the signature on the card.
5. 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. 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to submit written information describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill, in violation of 30 TEX. ADMIN. CODE § 327.5(c).
3. As evidenced by Findings of Fact Nos. 3 and 4, 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. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$2,625 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 \$2,625 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: RAYLEE TRUCKING SERVICES, INC.; Docket No. 2022-0764-MSW-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, submit a report, in accordance with 30 TEX. ADMIN. CODE § 327.5(c). The report shall address all areas where released MSW was observed at the Emergency Response Site. This shall be submitted to the addresses listed in Order Provision No. 3.b.
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The certification 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 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
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 Emergency Response 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.
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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF CASEY KURNATH

"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 RAYLEE TRUCKING SERVICES, INC.' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 13, 2023.

The EDPRP was mailed to Respondent's last known address on September 13, 2023, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 15, 2023, 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 Casey Kurnath, 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 16th day of November, 2023

Casey Kurnath

Declarant