

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 63692  
**Leonard Villanueva**  
RN102430261  
Docket No. 2023-0300-PST-E

Page 1 of 2

**Order Type:**  
Default Order

**Media:**  
PST

**Small Business:**  
Yes

**Location Where Violation Occurred:**  
203 South State Highway 123, Karnes City, Karnes County

**Type of Operation:**  
a temporarily out-of-service underground storage tank (“UST”) system

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

**Texas Register Publication Date:** May 30, 2025

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$7,514

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$7,514

**Compliance History Classifications:**  
Person/CN – High  
Site/RN – High

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date:** N/A

**Dates of Investigation:** July 8, 2022; February 6, 2023

**Date of NOV:** N/A

**Date of NOE:** February 10, 2023

**Leonard Villanueva**  
**RN102430261**  
**Docket No. 2023-0300-PST-E**

**Violation Information**

1. Failed to ensure that the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection to all underground metal components of the UST system [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(a)(2) and 334.54(b)(3)].
2. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(B), and (d)(3)].
3. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Install a rectifier and test the corrosion protection system for the UST system at the Facility;
  - b. Obtain financial assurance for the USTs at the Facility; and
  - c. Submit an amended registration to indicate the current ownership and the operational status of the UST system.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

**Litigation Information**

**Date Petitions Filed:** December 18, 2024; January 22, 2025  
**Dates of Service:** unclaimed; January 24, 2025  
**Date Answer Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** A'twar Wilkins, 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:** Ramyia Wendt, Enforcement Division, (512) 239-2513  
**TCEQ Regional Contact:** Jack Higginbotham, San Antonio Regional Office, (210) 490-3096  
**Respondent Contact:** Leonard Villanueva, 310 West Main Avenue, Karnes City, Texas 78118-3123  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	13-Feb-2023	<b>Screening</b>	17-Feb-2023	<b>EPA Due</b>	
	<b>PCW</b>	18-Sep-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Leonard Villanueva		
<b>Reg. Ent. Ref. No.</b>	RN102430261		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	63692	<b>No. of Violations</b>	2
<b>Docket No.</b>	2023-0300-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ramyia Wendt
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	-10.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	-\$625
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<b>Notes</b>	Reduction for High Performer classification.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2,018	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,235	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	33.6%	<b>Adjustment</b>	\$1,889
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with Violation No. 1 and to offset the High Performer reduction.
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<b>Final Penalty Amount</b>	\$7,514
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,514
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$7,514
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<b>Screening Date</b>	17-Feb-2023	<b>Docket No.</b>	2023-0300-PST-E	<b>PCW</b>
<b>Respondent</b>	Leonard Villanueva			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	63692			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102430261			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Ramya Wendt			

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

High Performer

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

### >> Compliance History Summary

**Compliance History Notes**

Reduction for High Performer classification.

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

### >> Final Compliance History Adjustment

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

<b>Screening Date</b>	17-Feb-2023	<b>Docket No.</b>	2023-0300-PST-E	<b>PCW</b>	
<b>Respondent</b>	Leonard Villanueva	<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b>	63692	<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b>	RN102430261				
<b>Media</b>	Petroleum Storage Tank				
<b>Enf. Coordinator</b>	Ramyia Wendt				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 334.54(b)(3) and 334.49(a)(2) and 37.815(a) and (b) and Tex. Water Code § 26.3475(d)				
<b>Violation Description</b>	<p>Failed to ensure that the underground storage tank ("UST") corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection to all underground metal components of the UST system. Specifically, there was no rectifier at the Facility. Also, failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs.</p>				
		<b>Base Penalty</b>	\$25,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	Major	Moderate	Minor		
	Actual				
	Potential	X			
			<b>Percent</b>	15.0%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
			<b>Percent</b>	0.0%	
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
			<b>Adjustment</b>	\$21,250	
				\$3,750	
<b>Violation Events</b>					
Number of Violation Events		1	11	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	X			
	semiannual				
	annual				
	single event				
			<b>Violation Base Penalty</b>	\$3,750	
<p>One quarterly event is recommended from the February 6, 2023 record review date to the February 17, 2023 screening date.</p>					
<b>Good Faith Efforts to Comply</b>		0.0%	<b>Reduction</b>	\$0	
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer					
	Extraordinary				
	Ordinary				
	N/A	X			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
			<b>Violation Subtotal</b>	\$3,750	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$2,013	<b>Violation Final Penalty Total</b>	\$4,508		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$4,508		

# Economic Benefit Worksheet

**Respondent** Leonard Villanueva  
**Case ID No.** 63692  
**Reg. Ent. Reference No.** RN102430261  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$3,000	8-Jul-2022	10-Dec-2024	2.43	\$24	\$485	\$509
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)	\$1,980	8-Jul-2022	10-Dec-2024	2.43	\$240	n/a	\$240
<b>Notes for DELAYED costs</b> Estimated delayed cost to install a rectifier and test the corrosion protection system (\$3,000) for the UST system at the Facility and to provide financial assurance (\$1,980, \$660 per UST) for three USTs. 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	\$1,980	8-Jul-2022	17-Feb-2023	0.61	\$49	\$1,215	\$1,264
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b> Estimated avoided cost (\$660 per UST) to provide financial assurance for three USTs. The Date Required is the initial investigation date and the Final Date is the screening date.							

Approx. Cost of Compliance	\$6,195	<b>TOTAL</b>	\$2,013
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<b>Screening Date</b> 17-Feb-2023 <b>Respondent</b> Leonard Villanueva <b>Case ID No.</b> 63692 <b>Reg. Ent. Reference No.</b> RN102430261 <b>Media</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Ramyia Wendt	<b>Docket No.</b> 2023-0300-PST-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 334.7(d)(1)(A), (d)(1)(B), and (d)(3)
<b>Violation Description</b>		Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership and operational status of the UST system.

  

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
			X			<b>Percent</b> 10.0%
		100% of the rule requirement was not met.				

  

<b>Adjustment</b>	\$22,500
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	\$2,500
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**Violation Events**

Number of Violation Events	1	11	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		X				

  

<b>Violation Base Penalty</b>	\$2,500
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One single event is recommended.	
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**Good Faith Efforts to Comply**

	0.0%	
	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.	

  

<b>Violation Subtotal</b>	\$2,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$5	
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$3,006
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$3,006
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# Economic Benefit Worksheet

**Respondent** Leonard Villanueva  
**Case ID No.** 63692  
**Reg. Ent. Reference No.** RN102430261  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$40	8-Jul-2022	10-Dec-2024	2.43	\$5	n/a	\$5
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to submit an amended UST registration to the TCEQ to indicate the current ownership and operational status of the UST system at the Facility. 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 \$40

**TOTAL** \$5



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 CN605639210, RN102430261, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605639210, VILLANUEVA, LEONARD **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN102430261, ROBERTS EXXON **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 3 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 203 South State Highway 123, Karnes City, Karnes County, Texas 78118-1605

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 29338 **PETROLEUM STORAGE TANK NON REGISTERED ID** NUMBER R13102430261

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** August 14, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 14, 2019 to August 14, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Ramyia Wendt **Phone:** (512) 239-2513

## 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.):**

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.

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 NOVs Issued During Component Period 8/14/2019 and 8/14/2024**

1	Date:	07/29/2022	(1832616)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.49(a)(2)			
	Description:	Failure to provide evidence of an active corrosion protection system.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 334, SubChapter A 334.7(d)(1)(A)			
	Description:	Failure to update the PST Registration with the current owner, operator and/or current facility status.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.54(e)(5) 30 TAC Chapter 37, SubChapter I 37.867(a)			
	Description:	Failure to provide documentation pertaining to a completed Site Check or evidence that current financial assurance is being maintained for the system.			

\* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

### **Appendix B**

#### **All Investigations Conducted During Component Period August 14, 2019 and August 14, 2024**

Item 1	July 22, 2022**	(1832616)
Item 2	February 10, 2023**	(1867122)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LEONARD VILLANUEVA;  
RN102430261

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2023-0300-PST-E

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

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

### FINDINGS OF FACT

1. Respondent owns, as defined in 30 TEX. ADMIN. CODE § 334.2, a temporarily out of service underground storage tank ("UST") system and a former convenience store providing retail sales of gasoline located at 203 South State Highway 123 in Karnes City, Karnes County, Texas (Facility ID No. 29338) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and they contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. Following an investigation conducted on and around July 8, 2022, and a record review conducted on and around February 6, 2023, an investigator documented that Respondent:
  - a. Failed to ensure that the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection to all underground metal components of the UST system. Specifically, there was no rectifier at the Facility;
  - b. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership and operational status of the UST system; and
  - c. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs.
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 Leonard Villanueva" (the "EDPRP") in the TCEQ Chief Clerk's office on December 18, 2024.
4. The EDPRP was mailed to Respondent's last known address on December 18, 2024, 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 January 22, 2025.
6. By letter dated January 22, 2025, 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 January 24, 2025, 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. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to ensure that the UST corrosion protection system is operated and maintained in a manner that will provide continuous corrosion protection to all underground metal components of the UST system, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(a)(2) and 334.54(b)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(B), and (d)(3).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
5. 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).
6. 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.
7. 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.
8. An administrative penalty in the amount of \$7,514 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. 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 \$7,514 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: Leonard Villanueva; Docket No. 2023-0300-PST-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Install a rectifier and test the corrosion protection system for the UST system at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.49;
    - ii. Obtain financial assurance for the USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 37.815; and
    - iii. Submit an amended registration to indicate the current ownership and the operational status of the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:  

Registration and Reporting Section  
Permitting & Registration Support Division, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager  
San Antonio Regional Office

Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

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.
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.

**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 A'TWAR WILKINS

"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 Leonard Villanueva' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 18, 2024.

The EDPRP was mailed to Respondent's last known address on December 18, 2024, 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 January 22, 2025.

The EDPRP was mailed to Respondent's last known address on January 22, 2025, 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 January 24, 2025, 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 A'twar Wilkins, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,  
State of Texas,  
on the 1st day of May, 2025

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a long, sweeping horizontal stroke.

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Declarant