

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 64385
Albert Aguero and Cynthia Aguero
RN101761872
Docket No. 2023-0984-PST-E

Page 1 of 3

Order Type:
Default Order

Media:
PST

Small Business:
N/A

Location Where Violation Occurred:
102 South Main Street, Cotulla, La Salle County

Type of Operation:
a temporarily out-of-service UST system and a former convenience store

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$8,750
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: June 6, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,551

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,551

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(s): N/A

Dates of Investigations: January 26, 2022; August 11, 2022

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

Date of NOE: November 1, 2022

Albert Aguero and Cynthia Aguero

RN101761872

Docket No. 2023-0984-PST-E

Violation Information

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 a petroleum underground storage tank (“UST”) [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. Obtain financial assurance for the UST at the Facility; or
 - b. In lieu of Technical Requirement No. 1.a.:
 - i. Empty the UST of all regulated substances; and
 - ii. Conduct a site check and perform any necessary corrective actions.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. In lieu of Technical Requirement Nos. 1 and 2, within 180 days permanently remove the UST system from service, which includes the following actions:
 - a. Providing a Construction Notification to TCEQ at least 30 days prior to any removal activities;
 - b. Employing a Licensed UST Contractor to perform all removal activities, including:
 - i. Removing the UST from the ground, abandoning the UST in-place, or conducting a permanent change-in-service;
 - ii. Emptying the UST of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
 - iii. Handling, transporting, and properly disposing of the empty UST, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility;
 - iv. Determining whether there has been a release of regulated substance from the UST system, performing a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and complying with all applicable corrective action requirements; and
 - c. Submitting a completely and accurately filled-out registration to reflect the operational status of the UST system as permanently removed from service.
4. Unless Respondents comply with Technical Requirement Nos. 1 and 2, within 195 days submit written certification to demonstrate compliance with Technical Requirement No. 3.

Litigation Information**Date Petitions Filed:**

January 14, 2025; February 19, 2025

Dates of Service:

unclaimed; February 20, 2025

Albert Aguero and Cynthia Aguero

RN101761872

Docket No. 2023-0984-PST-E

Contact Information

TCEQ Attorneys: Jun Zhang, 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: Celicia Garza, Enforcement Division, (512) 239-2095

TCEQ Regional Contact: Arnaldo Lanese, Laredo Regional Office, (956) 753-4053

Respondents Contact: Albert Aguero and Cynthia Aguero, 1223 Dobie Road, Cotulla, Texas 78014

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jul-2023	Screening	27-Jul-2023	EPA Due	
	PCW	17-Jun-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Albert Aguero and Cynthia Aguero				
Reg. Ent. Ref. No.	RN101761872				
Facility/Site Region	16-Laredo	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	64385	No. of Violations	1
Docket No.	2023-0984-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Celicia Garza
		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	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$250
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Notes Reduction for High Performer classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondents do 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	\$1,148	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,649	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	57.8%	Adjustment	\$1,301
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with the Violation and Recommended adjustment to offset High Performer reduction.

Final Penalty Amount	\$3,551
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,551
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$3,551
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Screening Date	27-Jul-2023	Docket No.	2023-0984-PST-E	PCW
Respondent	Albert Agüero and Cynthia Agüero			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64385			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101761872			
Media	Petroleum Storage Tank			
Enf. Coordinator	Celicia Garza			

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%

Screening Date 27-Jul-2023 Respondent Albert Aguero and Cynthia Aguero Case ID No. 64385 Reg. Ent. Reference No. RN101761872 Media Petroleum Storage Tank Enf. Coordinator Celicia Garza	Docket No. 2023-0984-PST-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code § 37.815(a) and (b)	
Violation Description	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 a petroleum underground storage tank ("UST").		
		Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
		x			Percent 10.0%
		100% of the rule requirement was not met.			
		Adjustment		\$22,500	

\$2,500

Violation Events

Number of Violation Events	1	350	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Violation Base Penalty		\$2,500	

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 Respondents do 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	\$1,148
Violation Final Penalty Total	\$3,551
This violation Final Assessed Penalty (adjusted for limits)	
\$3,551	

Economic Benefit Worksheet

Respondent Albert Aguero and Cynthia Aguero
Case ID No. 64385
Reg. Ent. Reference No. RN101761872
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				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)	\$660	26-Jan-2022	31-Dec-2024	2.93	\$97	n/a	\$97

Notes for DELAYED costs

Estimated delayed cost (\$660 per UST) to provide financial assurance for one UST. 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	\$660	26-Jan-2022	27-Jul-2023	1.50	\$62	\$989	\$1,051
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to provide financial assurance for one UST. The Date Required is the initial investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,649

TOTAL

\$1,148

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Compliance History Report

Compliance History Report for CN603684291, RN101761872, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603684291, Aguero, Albert

Classification: HIGH

Rating: 0.00

Regulated Entity: RN101761872, AJS Full Service Gas Station

Classification: HIGH

Rating: 0.00

Complexity Points: 2

Repeat Violator: NO

CH Group: 14 - Other

Location: 102 South Main Street in Cotulla, La Salle County, Texas

TCEQ Region: REGION 16 - LAREDO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 16712

PETROLEUM STORAGE TANK NON REGISTERED ID
NUMBER LGL101761872

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: March 27, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 29, 2018 to December 29, 2023

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

Name: Celicia A. Garza

Phone: (210) 657-8422

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	May 31, 2019	(1558900)
Item 2	June 14, 2019	(1571202)

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

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Compliance History Report

Compliance History Report for CN605441674, RN101761872, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605441674, Aguero, Cynthia **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101761872, AJS Full Service Gas Station **Classification:** HIGH **Rating:** 0.00

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 102 South Main Street in Cotulla, La Salle County, Texas

TCEQ Region: REGION 16 - LAREDO

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 16712 **PETROLEUM STORAGE TANK NON REGISTERED ID** NUMBER LGL101761872

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

Date Compliance History Report Prepared: March 27, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 29, 2018 to December 29, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Celicia A. Garza **Phone:** (210) 657-8422

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	May 31, 2019	(1558900)
Item 2	June 14, 2019	(1571202)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALBERT AND CYNTHIA AGUERO;
RN101761872**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2023-0984-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 respondents. The respondents made the subject of this Order are Albert Aguero and Cynthia Aguero ("Respondents").

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

FINDINGS OF FACT

1. Respondents own, as defined in 30 TEX. ADMIN. CODE § 334.2, a temporarily out-of-service UST system and a former convenience store located at 102 South Main Street in Cotulla, La Salle County, Texas (Facility ID No. 16712) (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and it contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on and around January 26, 2022, and a record review conducted on and around August 11, 2022, an investigator documented that Respondents 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 a petroleum UST.
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 Albert Aguero and Cynthia Aguero" (the "EDPRP") in the TCEQ Chief Clerk's office on January 14, 2025.
4. The EDPRP was mailed to Respondents' last known address on January 14, 2025, 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 February 19, 2025.
6. By letter dated February 19, 2025, sent to Respondents' last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt "green card", Respondents received notice of the EDPRP on February 21, 2025, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondents 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 a petroleum UST, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Findings of Fact Nos. 3 through 6, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 7, 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 \$3,551 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 \$3,551 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: Albert Aguero and Cynthia Aguero; Docket No. 2023-0984-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. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Obtain financial assurance for the UST at the Facility, in accordance with 30 TEX. ADMIN. CODE § 37.815; or
 - ii. In lieu of Ordering Provision No. 3.a.i:

- A. Empty the UST of all regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.54; and
 - B. Conduct a site check and perform any necessary corrective actions, in accordance with 30 TEX. ADMIN. CODE §§ 334.54 and 334.74.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e. to demonstrate compliance with Ordering Provision No. 3.a.
- c. In lieu of Ordering Provision Nos. 3.a. and 3.b., within 180 days after the effective date of this Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55, which includes the following actions:
 - i. Providing a Construction Notification to the TCEQ at least 30 days prior to any removal activities;
 - ii. Employing a Licensed UST Contractor to perform all removal activities, including:
 - A. Removing the UST from the ground, abandoning the UST in-place, or conducting a permanent change-in-service;
 - B. Emptying the UST of all regulated substances and accumulated sludges or residues and purging the USTs of all residual vapors;
 - C. Handling, transporting, and properly disposing of the empty UST, the regulated substances removed from the UST system, and any contaminated soils, backfill material, groundwater, wash water or other similar materials removed from the UST system or Facility;
 - D. Determining whether there has been a release of regulated substance from the UST system, performing a comprehensive site assessment, reporting confirmed or suspected releases to the TCEQ, preparing a detailed written record of the release determination, and complying with all applicable corrective action requirements; and
 - iii. Submitting a completely and accurately filled-out registration to reflect the operational status of the UST system as permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 334.7, to:

Petroleum Storage Tank Registration Program, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Unless Respondents comply with Ordering Provision Nos. 3.a. and 3.b., within 195 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.c.
- 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 both Respondents, and shall include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that

the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Respondents shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Waste Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

4. The provisions of this Order shall apply to and be binding upon Respondents.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. If Respondents fail to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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.

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 JUN ZHANG

"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 Albert Aguero and Cynthia Aguero' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 14, 2025.

The EDPRP was mailed to Respondents' last known address on January 14, 2025, 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 February 19, 2025.

The EDPRP was mailed to Respondents' last known address on February 19, 2025, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondents received notice of the EDPRP on February 20, 2025, as evidenced by the signature on the card.

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

"My name is Jun Zhang, 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 25th day of April, 2025

A handwritten signature in cursive script that reads "Jun Zhang".

Declarant