


TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: Amy Settemeyer, Deputy Director
Enforcement Division

From:  Michael Parrish, Agenda Special Assistant
Enforcement Division

Date: April 30, 2025

Subject: **Request for Remand**
May 1, 2025 Commission Agenda
Item No. 9 – Samuel Sanchez dba Presidio Stockyards
Docket No. 2024-0358-AGR-E

The Executive Director respectfully requests that the above-referenced item be remanded to staff, as the Executive Director has determined that additional case development is necessary.

Respondent Contact:

Samuel Sanchez, Owner
Presidio Stockyards
P.O. Box 2288, Presidio, Texas 79845

isgal844@yahoo.com

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Laura Draper, Team Leader, Water Section, Enforcement Division
Nancy Sims, Enforcement Coordinator, Water Section, Enforcement Division

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Melissa Cordell, Assistant Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Agenda Special Assistant
Enforcement Division

Date: April 25, 2025

Subject: Backup Revision
May 1, 2025 Commission Agenda
Item No. 9 – Samuel Sanchez dba Presidio Stockyards
Docket No. 2024-0358-AGR-E

Enclosed please find the following:

Executive Summary

- Page 2, Technical Requirements – Replace Technical Requirements a.i, a.ii, and b with new Technical Requirements a, b, and c.

Penalty Calculation Worksheet

- Page 1, Economic Benefit – Update Total EB Amounts and Estimated Cost of Compliance
- Page 3, Economic Benefit (EB) for this violation – Update Estimated EB Amount
- Page 4, Economic Benefit Worksheet, Delayed Costs – Update Item Cost and Final Date for Permit Cost; and Replace Delayed Cost Notes with new Technical Requirements.

Agreed Order

- Page 3, III. Ordering Provisions, Paragraph 2 - Replace Technical Requirements 2.a.i, 2.a.ii, and 2.b with new Technical Requirements 2.a, 2.b, and 2.c.

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Laura Draper, Team Leader, Water Section Enforcement Division
Nancy M. Sims, Enforcement Coordinator, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 60074
Samuel Sanchez dba Presidio Stockyards
RN106583404
Docket No. 2024-0358-AGR-E

Violation Information

Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a CAFO into or adjacent to any water in the state [30 TEX. ADMIN. CODE §§ 205.4, 305.125(2), and 321.34(b)(1), TEX. WATER CODE § 26.121(a)(1), and TCEQ Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, submit an individual CAFO permit application.

b. Within 45 days, submit written certification of compliance with a.

c. Within 300 days, submit written certification that authorization to operate has been obtained or that operation has ceased until such time that the appropriate authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nancy Sims, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-5053; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Samuel Sanchez, Owner, Presidio Stockyards, P.O. Box 2288, Presidio, Texas 79845

Respondent's Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 60074
Samuel Sanchez dba Presidio Stockyards
RN106583404
Docket No. 2024-0358-AGR-E

Violation Information

Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a CAFO into or adjacent to any water in the state [30 TEX. ADMIN. CODE §§ 205.4, 305.125(2), and 321.34(b)(1), TEX. WATER CODE § 26.121(a)(1), and TCEQ Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit an individual CAFO permit application.
- b. Within 45 days, submit written certification of compliance with a.
- c. Within 300 days, submit written certification that authorization to operate has been obtained or that operation has ceased until such time that the appropriate authorization is obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nancy Sims, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-5053; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Samuel Sanchez, Owner, Presidio Stockyards, P.O. Box 2288, Presidio, Texas 79845

Respondent's Attorney: N/A

Screening Date	15-Feb-2024	Docket No.	2024-0358-AGR-E	PCW
Respondent	Samuel Sanchez dba Presidio Stockyards			Policy Revision 5 (January 28, 2021)
Case ID No.	60074			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106583404			
Media	Water Quality			
Enf. Coordinator	Nancy M. Sims			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 205.4, 305.125(2), and 321.34(b)(1), Tex. Water Code § 26.121(a)(1), and Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii			
Violation Description	Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a Concentrated Animal Feeding Operation ("CAFO") into or adjacent to any water in the state. Specifically, the Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000 was renewed effective July 20, 2019, and the Respondent failed to submit a Notice of Intent ("NOI") by the application deadline of January 16, 2020. In addition, TCEQ Agreed Order Docket No. 2020-1587-AGR-E became effective on May 15, 2023 and required the Respondent to prepare a Pollution Prevention Plan and submit an NOI, by June 14, 2023, but the Pollution Prevention Plan and NOI requirements were not met.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
		X		
			Percent	10.0%
Matrix Notes	100% of the rule requirements/Ordering Provisions were not met.			
		Adjustment	\$22,500	
			\$2,500	
Violation Events				
	Number of Violation Events	9	276	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
		x		
			Violation Base Penalty	\$22,500
	Nine monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR-E, May 15, 2023, to the screening date, February 15, 2024.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary Ordinary N/A	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
		x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$22,500	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$721	Violation Final Penalty Total	\$29,250
	This violation Final Assessed Penalty (adjusted for limits)			\$29,250

Economic Benefit Worksheet

Respondent Samuel Sanchez dba Presidio Stockyards
Case ID No. 60074
Reg. Ent. Reference No. RN106583404
Media Water Quality
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	\$5,000	15-May-2023	1-Apr-2026	2.88	\$721	n/a	\$721
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated Permit Costs to prepare and submit an individual permit application and obtain authorization to operate a CAFO. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR E, 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 \$5,000

TOTAL \$721



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Feb-2024			
	PCW	15-Apr-2025	Screening	15-Feb-2024	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Samuel Sanchez dba Presidio Stockyards
Reg. Ent. Ref. No.	RN106583404
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60074	No. of Violations	1
Docket No.	2024-0358-AGR-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nancy M. Sims
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	30.0%	Adjustment	Subtotals 2, 3, & 7	\$6,750
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Notes	Enhancement for one agreed order with a denial of liability and Unsatisfactory Performer Classification.
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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	\$721
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$29,250

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$29,250
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Screening Date	15-Feb-2024	Docket No.	2024-0358-AGR-E	PCW
Respondent	Samuel Sanchez dba Presidio Stockyards			Policy Revision 5 (January 28, 2021)
Case ID No.	60074			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN106583404			
Media	Water Quality			
Enf. Coordinator	Nancy M. Sims			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 205.4, 305.125(2), and 321.34(b)(1), Tex. Water Code § 26.121(a)(1), and Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii			
Violation Description	Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a Concentrated Animal Feeding Operation ("CAFO") into or adjacent to any water in the state. Specifically, the Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000 was renewed effective July 20, 2019, and the Respondent failed to submit a Notice of Intent ("NOI") by the application deadline of January 16, 2020. In addition, TCEQ Agreed Order Docket No. 2020-1587-AGR-E became effective on May 15, 2023 and required the Respondent to prepare a Pollution Prevention Plan and submit an NOI, by June 14, 2023, but the Pollution Prevention Plan and NOI requirements were not met.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		X		
				Percent 10.0%
Matrix Notes	100% of the rule requirements/Ordering Provisions were not met.			
		Adjustment	\$22,500	
			\$2,500	
Violation Events				
	Number of Violation Events	9	276	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$22,500
	Nine monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR-E, May 15, 2023, to the screening date, February 15, 2024.			
Good Faith Efforts to Comply	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$22,500	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
Estimated EB Amount	\$721	Violation Final Penalty Total	\$29,250	
	This violation Final Assessed Penalty (adjusted for limits)	\$29,250		

Economic Benefit Worksheet

Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Violation No.

Samuel Sanchez dba Presidio Stockyards
60074
RN106583404
Water Quality
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	\$5,000	15-May-2023	1-Apr-2026	2.88	\$721	n/a	\$721
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Permit Costs to prepare and submit an individual permit application and obtain authorization to operate a CAFO. The Date Required is the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR E, 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	\$5,000	TOTAL	\$721
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Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, submit an individual CAFO permit application, in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Texas Commission on Environmental Quality
Applications Review and Processing Team, MC 148
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing.

- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a in accordance with Ordering Provision No. 2.c.

- c. Within 300 days after the effective date of this Order, submit written certification that authorization to operate has been obtained or that operation has ceased until such time that the appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the 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

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, submit an individual CAFO permit application, in accordance with 30 TEX. ADMIN. CODE ch. 305 to:

Texas Commission on Environmental Quality
Applications Review and Processing Team, MC 148
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing.

- b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a in accordance with Ordering Provision No. 2.c.
- c. Within 300 days after the effective date of this Order, submit written certification that authorization to operate has been obtained or that operation has ceased until such time that the appropriate authorization is obtained. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the 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

Executive Summary – Enforcement Matter – Case No. 60074
Samuel Sanchez dba Presidio Stockyards
RN106583404
Docket No. 2024-0358-AGR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

A violation of a commission issued enforcement order or court order.

Media:

AGR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Presidio Stockyards, 1110 East Stockyard Road, Presidio, Presidio County

Type of Operation:

Concentrated animal feeding operation (“CAFO”)

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 24, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,250

Total Paid to General Revenue: \$830

Total Due to General Revenue: \$28,420

Payment Plan: 35 payments of \$812 each

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 24, 2024 through January 25, 2024

Date(s) of NOE(s): February 9, 2024

Executive Summary – Enforcement Matter – Case No. 60074
Samuel Sanchez dba Presidio Stockyards
RN106583404
Docket No. 2024-0358-AGR-E

Violation Information

Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a CAFO into or adjacent to any water in the state [30 TEX. ADMIN. CODE §§ 205.4, 305.125(2), and 321.34(b)(1), TEX. WATER CODE § 26.121(a)(1), and TCEQ Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Prepare a Pollution Prevention Plan to comply with the requirements of Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000; and
- ii. Submit a Notice of Intent to obtain coverage under TPDES General Permit No. TXG920000 for review and approval.

b. Within 120 days, submit written certification that authorization to operate under TPDES General Permit No. TXG920000 has been obtained.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nancy Sims, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-5053; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Samuel Sanchez, Owner, Presidio Stockyards, P.O. Box 2288, Presidio, Texas 79845

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	15-Feb-2024	PCW	27-Aug-2024	Screening	15-Feb-2024	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Samuel Sanchez dba Presidio Stockyards		
Reg. Ent. Ref. No.	RN106583404		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	60074	No. of Violations	1
Docket No.	2024-0358-AGR-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nancy M. Sims
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	30.0%	Adjustment	Subtotals 2, 3, & 7	\$6,750
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Notes	Enhancement for one agreed order with a denial of liability and Unsatisfactory Performer Classification.			
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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	\$278	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,350	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
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Final Penalty Amount	\$29,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$29,250
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Screening Date	15-Feb-2024	Docket No.	2024-0358-AGR-E	PCW
Respondent	Samuel Sanchez dba Presidio Stockyards			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60074			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN106583404			
Media	Water Quality			
Enf. Coordinator	Nancy M. Sims			

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>)	1	20%
	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) 20%

>> Repeat Violator (Subtotal 3)

No **Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer **Adjustment Percentage (Subtotal 7)** 10%

>> Compliance History Summary

Compliance History Notes	Enhancement for one agreed order with a denial of liability and Unsatisfactory Performer Classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date	15-Feb-2024	Docket No.	2024-0358-AGR-E	PCW	
Respondent	Samuel Sanchez dba Presidio Stockyards			Policy Revision 5 (January 28, 2021)	
Case ID No.	60074			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN106583404				
Media	Water Quality				
Enf. Coordinator	Nancy M. Sims				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 205.4, 305.125(2), and 321.34(b)(1), Tex. Water Code § 26.121(a)(1), and Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii				
Violation Description	Failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a Concentrated Animal Feeding Operation into or adjacent to any water in the state. Specifically, the Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000 was renewed effective July 20, 2019, and the Respondent failed to submit a Notice of Intent ("NOI") by the application deadline of January 16, 2020. In addition, TCEQ Agreed Order Docket No. 2020-1587-AGR-E became effective on May 15, 2023 and required the Respondent to prepare a Pollution Prevention Plan and submit an NOI, by June 14, 2023, but the Pollution Prevention Plan and NOI requirements were not met.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		X			Percent 10.0%
Matrix Notes	100% of the rule requirements/Ordering Provisions were not met.				
Adjustment				\$22,500	
				\$2,500	
>> Violation Events					
Number of Violation Events		9	276	Number of violation days	
	daily			Violation Base Penalty \$22,500	
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
Nine monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR-E, May 15, 2023, to the screening date, February 15, 2024.					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$22,500	
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$278	Violation Final Penalty Total		\$29,250
This violation Final Assessed Penalty (adjusted for limits)				\$29,250	

Economic Benefit Worksheet

Respondent Samuel Sanchez dba Presidio Stockyards
Case ID No. 60074
Reg. Ent. Reference No. RN106583404
Media Water Quality
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	\$3,350	15-May-2023	10-Jan-2025	1.66	\$278	n/a	\$278
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Permit Costs to prepare a Pollution Prevention Plan (\$3,000) and submit a Notice of Intent to obtain coverage under TPDES General Permit No. TXG920000 (\$350). The Date Required is the effective date of TCEQ Agreed Order Docket No. 2020-1587-AGR-E, 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

\$3,350

TOTAL

\$278



Compliance History Report

Compliance History Report for CN604149997, RN106583404, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604149997, Samuel Sanchez

Classification: UNSATISFACTORY **Rating:** 80.00

Regulated Entity: RN106583404, PRESIDIO STOCKYARDS

Classification: UNSATISFACTORY **Rating:** 80.00

Complexity Points: 0

Repeat Violator: NO

CH Group: 12 - Agriculture, Forestry, Fishing, and Hunting

Location: 1110 East Stockyard Road, Presidio, Presidio County, Texas

TCEQ Region: REGION 06 - EL PASO

ID Number(s):

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

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: August 27, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 27, 2019 to August 27, 2024

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

Name: Arti Patel

Phone: (512) 239-2514

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:

- 1 Effective Date: 05/15/2023 ADMINORDER 2020-1587-AGR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(2)
30 TAC Chapter 321, SubChapter B 321.34(b)(1)
Description: Failure to maintain authorization to discharge manure, sludge, and wastewater associated with the operation of a CAFO into or adjacent to any water in the state. Specifically, the Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000 was renewed effective July 20, 2019, and the Respondent failed to submit a Notice of Intent ("NOI") by the application deadline

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAMUEL SANCHEZ DBA
PRESIDIO STOCKYARDS
RN106583404

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0358-AGR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Samuel Sanchez dba Presidio Stockyards (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a concentrated animal feeding operation ("CAFO") located at 1110 East Stockyard Road in Presidio, Presidio County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation at the Facility conducted from January 24, 2024 through January 25, 2024, an investigator documented that the Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920000 was renewed effective July 20, 2019, and the Respondent did not submit a Notice of Intent ("NOI") by the application deadline of January 16, 2020. In addition, TCEQ Agreed Order Docket No. 2020-1587-AGR-E became effective on May 15, 2023 and required the Respondent to prepare a Pollution Prevention Plan and submit an NOI, by June 14, 2023, but the Pollution Prevention Plan and NOI requirements were not met.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the 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, the Respondent failed to maintain authorization to discharge manure, sludge, and wastewater associated with operation of a CAFO into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE §§ 205.4, 305.125(2), and 321.34(b)(1), TEX. WATER CODE § 26.121(a)(1), and TCEQ Agreed Order Docket No. 2020-1587-AGR-E, Ordering Provision Nos. 2.a.i and 2.a.ii.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$29,250 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$830 of the penalty. The remaining amount of \$28,420 shall be paid in 35 monthly payments of \$812 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Samuel Sanchez dba Presidio Stockyards, Docket No. 2024-0358-AGR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Prepare a Pollution Prevention Plan to comply with the requirements of TPDES General Permit No. TXG920000; and
 - ii. Submit an NOI to obtain coverage under TPDES General Permit No. TXG920000 for review and approval to:

Texas Commission on Environmental Quality
Water Quality Division, MC 148
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing.

- b. Within 120 days after the effective date of this Order, submit written certification that authorization to operate under TPDES General Permit No. TXG920000 has been obtained. The certification shall be signed by the 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:

Water Section Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1212

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

2/24/2025

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of

Samuel Sanchez dba Presidio Stockyards

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.