

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1715-AIR-E **TCEQ ID:** RN100217710 **CASE NO.:** 31245
RESPONDENT NAME: Tony Lama Company

ORDER TYPE:

| | | | |
|---|---|--|---|
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> EMERGENCY ORDER | |

CASE TYPE:

| | | | |
|---|--|---|--|
| <input type="checkbox"/> AGRICULTURE | <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE | <input type="checkbox"/> MUNICIPAL SOLID WASTE |
| <input type="checkbox"/> OCCUPATIONAL CERTIFICATION | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> RADIOACTIVE WASTE |
| <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL | <input type="checkbox"/> USED OIL |
| <input type="checkbox"/> USED OIL FILTER | <input type="checkbox"/> WATER QUALITY | | |

SITE WHERE VIOLATION(S) OCCURRED: Tony Lama Boot Company, 1137 Tony Lama Street, El Paso, El Paso County

TYPE OF OPERATION: Boot manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Section III, MC 149, (512) 239-1044; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Joyce Ford, El Paso Regional Office, MC R-06, (817) 348-2820

Respondent: Mr. Robert Torrez, Plant Manager, Tony Lama Company, 1137 Tony Lama Street, El Paso, Texas 79915

Mr. James Adams, Engineering Manager, Tony Lama Company, 1137 Tony Lama Street, El Paso, Texas 79915

Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: Tony Lama Company
 DOCKET NO.: 2006-1715-AIR-E

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 27, 2006</p> <p>Date of NOE Relating to this Case: August 28, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>AIR</p> <p>Failed to submit a completed Permit Compliance Certification for Federal Operating Permit No. O-01755 no later than 30 days after the end of the certification period [30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$2,375</p> <p>Total Deferred: \$475 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,900</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on July 26, 2006, Tony Lama submitted a completed Compliance Certification for Federal Operating Permit No. O-01755.</p> |



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 28-Aug-2006 | Screening | 20-Sep-2006 | EPA Due | 12-May-2007 |
| | PCW | 18-Sep-2006 | | | | |

| | |
|--|-------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Tony Lama Company |
| Reg. Ent. Ref. No. | RN100217710 |
| Facility/Site Region | 6-EI Paso < |
| Major/Minor Source | Major Source < |

| | | | |
|--|-----------------|--------------------------|----------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 31245 | No. of Violations | 1 |
| Docket No. | 2006-1715-AIR-E | Order Type | 1660 < |
| Media Program(s) | Air Quality < | Enf. Coordinator | Miriam Hall |
| Multi-Media | | EC's Team | Enforcement Team 5 < |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 20% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No < 0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply 25% Reduction **Subtotal 5**

| | | |
|---------------|------------|------------------------------|
| | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | (mark with a small x) |

Notes

Economic Benefit 0% Enhancement* **Subtotal 6**

| | | |
|----------------------------|-----------------------------------|-----------------------------------|
| Total EB Amounts | <input type="text" value="\$1"/> | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | <input type="text" value="\$50"/> | |

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 20% Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 20-Sep-2006

Docket No. 2006-1715-AIR-E

PCW

Respondent Tony Lama Company

Policy Revision 2 (September 2002)

Case ID No. 31245

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100217710

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written 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 judgements 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</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% |
| <i>Please Enter Yes or No</i> | | | |
| 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)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Penalty has been enhanced due to one 1660 order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

| | | |
|--|--|------------|
| Screening Date 20-Sep-2006 | Docket No. 2006-1715-AIR-E | PCW |
| Respondent Tony Lama Company | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 31245 | <i>PCW Revision April 25, 2006</i> | |
| Reg. Ent. Reference No. RN100217710 | | |
| Media [Statute] Air Quality | | |
| Enf. Coordinator Miriam Hall | | |
| Violation Number 1 | | |
| Primary Rule Cite(s) | 30 Tex. Admin. Code § 122.146(2) | |
| Secondary Rule Cite(s) | Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to submit a completed Permit Compliance Certification for Federal Operating Permit No. O-01755 no later than 30 days after the end of the certification period. The respondent submitted the certification on July 26, 2006; whereas, it was due February 15, 2006. | |
| | Base Penalty | \$10,000 |

>> **Environmental, Property and Human Health Matrix**

| | | | | | |
|----|----------------|----------------------|----------------------|----------------------|------------------------------|
| | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| OR | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> **Programmatic Matrix**

| | | | | | |
|--|----------------------|-------|----------------------|----------------------|--|
| | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | x | <input type="text"/> | <input type="text"/> | Percent <input type="text" value="25%"/> |

Matrix Notes The respondent failed to comply with 100% of the rule requirement.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

| | | |
|--|---------------------|----------------------|
| <i>mark only one use a small x</i> | <i>daily</i> | <input type="text"/> |
| | <i>monthly</i> | <input type="text"/> |
| | <i>quarterly</i> | <input type="text"/> |
| | <i>semiannual</i> | <input type="text"/> |
| | <i>annual</i> | <input type="text"/> |
| | <i>single event</i> | x |

Violation Base Penalty

One single event was documented during the record review on July 27, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Tony Lama Company
 Case ID No: 31245
 Reg. Ent. Reference No: RN100217710
 Media [Statute]: Air Quality
 Violation No. 1

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | \$50 | 15-Feb-2006 | 26-Jul-2006 | 0.4 | \$1 | n/a | \$1 |

Notes for DELAYED costs: The estimated cost for preparing and submitting the certification from due date to date actually submitted.

| Item | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |
|-------------------------------|--|
| Disposal | 0.0 \$0 \$0 \$0 |
| Personnel | 0.0 \$0 \$0 \$0 |
| Inspection/Reporting/Sampling | 0.0 \$0 \$0 \$0 |
| Supplies/equipment | 0.0 \$0 \$0 \$0 |
| Financial Assurance [2] | 0.0 \$0 \$0 \$0 |
| ONE-TIME avoided costs [3] | 0.0 \$0 \$0 \$0 |
| Other (as needed) | 0.0 \$0 \$0 \$0 |

Notes for AVOIDED costs:

Approx. Cost of Compliance: **\$50** TOTAL: **\$1**

Compliance History

| | | | |
|---|---------------------------------------|-------------------------|---|
| Customer/Respondent/Owner-Operator: | CN601269210 Tony Lama Company | Classification: AVERAGE | Rating: 2.14 |
| Regulated Entity: | RN100217710 TONY LAMA BOOT COMPANY | Classification: AVERAGE | Site Rating: 2.14 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | EE0444D |
| | AIR OPERATING PERMITS | PERMIT | 1755 |
| | AIR NEW SOURCE PERMITS | PERMIT | 38437 |
| | AIR NEW SOURCE PERMITS | PERMIT | 40036 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | EE0444D |
| | AIR NEW SOURCE PERMITS | AFS NUM | 0078 |
| | STORMWATER | PERMIT | TXRNET273 |
| Location: | 1137 TONY LAMA ST, EL PASO, TX, 79915 | | Rating Date: 9/1/2005 Repeat Violator: NO |
| TCEQ Region: | REGION 06 - EL PASO | | |
| Date Compliance History Prepared: | August 30, 2006 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | August 30, 2001 to August 30, 2006 | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 06/09/2005 ADMINORDER 2004-1374-AIR-E
- Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)
- Description: Failure to submit Annual Compliance Certification prior to the end of the 30 day certification period.
Regulated entity did not submit certification in excess of 60 days.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 07/23/2002 | (997) |
| 2 | 08/17/2005 | (398869) |
| 3 | 07/18/2003 | (35218) |
| 4 | 08/24/2006 | (481905) |
| 5 | 08/06/2003 | (148443) |
| 6 | 08/20/2004 | (279227) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
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
TONY LAMA COMPANY
RN100217710**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1715-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Tony Lama Company ("Tony Lama") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Tony Lama appear before the Commission and together stipulate that:

1. Tony Lama owns and operates a boot manufacturing plant at 1137 Tony Lama Street in El Paso, El Paso County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Tony Lama agree that the Commission has jurisdiction to enter this Agreed Order, and that Tony Lama is subject to the Commission's jurisdiction.
4. Tony Lama received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Tony Lama of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Three Hundred Seventy-Five Dollars (\$2,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Tony Lama has paid One Thousand Nine Hundred Dollars (\$1,900) of the administrative penalty and Four Hundred Seventy-Five Dollars (\$475) is deferred contingent upon Tony Lama's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Tony

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups. Each method has its own strengths and weaknesses, and it is important to choose the most appropriate method for the specific research objectives.

3. The third part of the document describes the process of data analysis. This involves identifying patterns and trends in the data, and then interpreting these findings in the context of the research objectives. It is important to be objective and unbiased in this process, and to avoid drawing conclusions that are not supported by the data.

4. The fourth part of the document discusses the importance of communication in the research process. This involves sharing the findings of the research with the relevant stakeholders, and ensuring that they understand the implications of the findings. It is important to use clear and concise language, and to provide supporting evidence for all claims made.

5. The fifth part of the document outlines the various ethical considerations that must be taken into account when conducting research. These include issues such as informed consent, confidentiality, and the potential for harm to participants. It is important to ensure that all research is conducted in a responsible and ethical manner.

6. The sixth part of the document discusses the importance of transparency in the research process. This involves making all data and methods used in the research available to others, so that they can verify the findings and replicate the study if necessary. This is essential for ensuring the reliability and validity of the research.

7. The seventh part of the document outlines the various challenges that can arise in the research process. These include issues such as limited resources, time constraints, and the potential for bias. It is important to be aware of these challenges and to take steps to minimize their impact on the research.

8. The eighth part of the document discusses the importance of ongoing evaluation and improvement of the research process. This involves regularly reviewing the progress of the research, and making adjustments as needed to ensure that the research is on track and meeting its objectives. It is important to be open to feedback and to learn from any mistakes that are made.

9. The ninth part of the document outlines the various ways in which research can be used to inform decision-making. This includes using research to identify areas for improvement, to evaluate the effectiveness of different interventions, and to develop new strategies and policies. It is important to ensure that research is used in a responsible and ethical manner, and that the findings are used to inform decisions that are in the best interests of the community.

- Lama fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Tony Lama to pay all or part of the deferred penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and Tony Lama have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that on July 26, 2006, Tony Lama submitted a completed Compliance Certification for Federal Operating Permit No. O-01755.
 10. 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 Tony Lama has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Tony Lama is alleged to have failed to submit a completed Permit Compliance Certification for Federal Operating Permit No. O-01755 no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE § 122.146(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 27, 2006.

III. DENIALS

Tony Lama generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Tony Lama pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Tony Lama's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty

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payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Tony Lama Company, Docket No. 2006-1715-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Tony Lama. Tony Lama is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Tony Lama in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Tony Lama, or three days after the date on which the Commission mails notice of the Order to Tony Lama, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/16/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

November 14, 2006

Date

JAMES ADAMS

Name (Printed or typed)
Authorized Representative of
Tony Lama Company

Engineering Mgr.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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