

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1968-AIR-E    **TCEQ ID:** RN101633717    **CASE NO.:** 31742  
**RESPONDENT NAME:** David Romo dba Chevron USA 74340

**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:** Chevron USA 74340, 220 East Paisano Drive, El Paso, El Paso County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline products

**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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Section II, MC R-04, (817) 588-5890; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Local Program Investigator:** Mr. Al Melero, Inspector, El Paso City-County Health and Environmental District, 222 South Campbell Street, El Paso, Texas 79901

**Respondent:** Mr. David Romo, Owner, Chevron USA 74340, 220 East Paisano Drive, El Paso, Texas 79901

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 4, 2006</p> <p><b>Date of NOE Relating to this Case:</b> November 10, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to comply with the minimum oxygen content of 2.7% by weight for any gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County during the period of October 1st through March 31st of each year. Specifically, samples taken at pump No. 5 found that premium gasoline was being dispensed with an oxygen content of 2.2% by weight [30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$800</p> <p><b>Total Deferred:</b> \$160  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$640</p> <p><b>Site Compliance History Classification:</b> <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that Mr. Romo submitted test results showing compliance with the minimum oxygen content of 2.7% by weight for any gasolines dispensed at the Station on November 17, 2006.</p>

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

**TCEQ**

DATES Assigned 13-Nov-2006  
 PCW 14-Nov-2006 Screening 14-Nov-2006 EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent David Romo dba Chevron USA 74340  
 Reg. Ent. Ref. No. RN101633717  
 Facility/Site Region 6-El Paso Major/Minor Source Minor Source

**CASE INFORMATION**

Enf./Case ID No. 31742 No. of Violations 1  
 Docket No. 2006-1968-AIR-E Order Type 1660  
 Media Program(s) Air Quality Enf. Coordinator Jorge Ibarra, P.E.  
 Multi-Media EC's Team Enforcement Team 4  
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$1,000

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** -10% Enhancement Subtotals 2, 3, & 7 -\$100

Notes: The penalty was enhanced due to High Performer classification.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction Subtotal 5 -\$100

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The respondent achieved full compliance on November 17, 2006.

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

Total EB Amounts	\$2	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** Final Subtotal \$800

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

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

Notes: Final Penalty Amount \$800

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$800

**DEFERRAL** 20% Reduction Adjustment -\$160

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$640

<b>Screening Date</b>	14-Nov-2006	<b>Docket No.</b>	2006:1968-AIR-E	<b>PCW</b>
<b>Respondent</b>	David Romo dba Chevron USA 74340	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	31742	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101633717			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.			

**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> )	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 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%
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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

**Total Adjustment Percentage (Subtotals 2, 3, & 7)**

<b>Screening Date</b>	14-Nov-2006	<b>Docket No.</b>	2006-1968-AIR-E	<b>PCW</b>
<b>Respondent</b>	David Romo dba Chevron USA 74340		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	31742	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101633717			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 114.100(a)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to comply with the minimum oxygen content of 2.7% by weight for any gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County during the period of October 1st through March 31st of each year. Specifically, samples taken at pump No. 5 on 10/04/2006 found that premium gasoline was being dispensed with an oxygen content of 2.2%.			
<b>Base Penalty</b>	\$10,000			

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**  
 Failure to comply with the minimum oxygen content of 2.7% by weight for any gasoline dispensed of and for use as motor vehicle fuel in El Paso County resulted in the release of insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment.

**Adjustment** - \$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty** \$1,000

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$800"/>	

### Economic Benefit Worksheet

Respondent: David Romo dba Chevron USA 74340  
 Case ID No: 31742  
 Reg. Ent. Reference No: RN101633717  
 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
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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)	\$250	04-Oct-2006	17-Nov-2006	0.1	\$2	n/a	\$2

Notes for DELAYED costs: Estimated cost to comply with the minimum oxygen content of 2.7% by weight for any gasoline dispensed of and sold for use as motor vehicle fuel in El Paso County. Date Required is the inspection date, Final Date is the date of compliance.

Avoided Costs							
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

TOTAL

# Compliance History

Customer/Respondent/Owner-Operator:	CN601262058 ROMO, DAVID	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101633717 CHEVRON USA 74340	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	17834
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	EE0863C
Location:	220 E PAISANO DR, EL PASO, TX, 79901	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	November 16, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 16, 2001 to November 16, 2006		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

## 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? Yes
3. If Yes, who is the current owner? David Romo
4. If Yes, who was/were the prior owner(s)? Jesus Lopez Chevron
5. When did the change(s) in ownership occur? February 1, 2001

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.  
N/A
- 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 12/12/2002 (18755)
  - 2 10/29/2003 (252551)
  - 3 11/09/2002 (8706)
  - 4 03/25/2002 (72381)
  - 5 12/23/2002 (19541)
  - 6 11/10/2006 (518871)
  - 7 08/22/2002 (3596)
  - 8 10/06/2004 (333712)
  - 9 07/28/2004 (280367)
  - 10 10/28/2004 (338461)
  - 11 07/07/2003 (119926)
  - 12 10/11/2004 (337479)
- 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



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DAVID ROMO DBA CHEVRON USA  
74340  
RN101633717**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1968-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 David Romo dba Chevron USA 74340 ("Mr. Romo") 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 Mr. Romo appear before the Commission and together stipulate that:

1. Mr. Romo owns and operates a convenience store with retail sales of gasoline products at 220 East Paisano Drive in El Paso, El Paso County, Texas (the "Station").
2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Mr. Romo agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Romo is subject to the Commission's jurisdiction.
4. Mr. Romo received notice of the violations alleged in Section II ("Allegations") on or about November 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Romo of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Hundred Dollars (\$800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Romo has paid Six Hundred Forty Dollars (\$640) of the administrative penalty and One Hundred Sixty Dollars (\$160) is deferred contingent upon Mr. Romo'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 Mr. Romo fails to timely and satisfactorily comply with all requirements of

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of appropriate statistical techniques to interpret the results.

3. The third part of the document focuses on the implementation of quality control measures. It describes how regular audits and inspections can help identify and correct any deviations from the established standards and procedures.

4. The fourth part of the document discusses the role of training and development in ensuring that all staff members are equipped with the necessary skills and knowledge to perform their duties effectively.

5. The fifth part of the document addresses the importance of communication and collaboration within the organization. It stresses that open lines of communication and teamwork are crucial for achieving the organization's goals and objectives.

6. The sixth part of the document discusses the need for continuous improvement and innovation. It encourages the organization to regularly evaluate its processes and seek ways to enhance efficiency and effectiveness.

7. The seventh part of the document focuses on the importance of risk management. It describes how identifying potential risks and implementing appropriate mitigation strategies can help protect the organization's assets and ensure its long-term sustainability.

8. The eighth part of the document discusses the role of technology in modern organizations. It highlights how the use of advanced tools and software can streamline operations and improve productivity.

9. The ninth part of the document addresses the importance of ethical considerations in business operations. It emphasizes that organizations should always act with integrity and adhere to the highest standards of ethical conduct.

10. The tenth part of the document discusses the importance of customer satisfaction. It describes how understanding customer needs and providing excellent service can lead to increased loyalty and business growth.

11. The eleventh part of the document focuses on the importance of financial management. It describes how effective budgeting and financial planning can help the organization maintain a healthy financial position.

12. The twelfth part of the document discusses the importance of human resources management. It describes how attracting, developing, and retaining top talent is essential for the organization's success.

13. The thirteenth part of the document addresses the importance of environmental and social responsibility. It describes how organizations can contribute to a sustainable future by adopting environmentally friendly practices and promoting social equity.

14. The fourteenth part of the document discusses the importance of strategic planning. It describes how setting clear goals and developing a strategic plan can help the organization navigate challenges and seize opportunities.

15. The fifteenth part of the document focuses on the importance of innovation and research and development. It describes how investing in R&D can lead to the development of new products and services, giving the organization a competitive edge.

- this Agreed Order, the Executive Director may require Mr. Romo 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 Mr. Romo 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 Mr. Romo submitted test results showing compliance with the minimum oxygen content of 2.7% by weight for any gasolines dispensed at the Station on November 17, 2006.
  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 Mr. Romo 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 Station, Mr. Romo is alleged to have failed to comply with the minimum oxygen content of 2.7% by weight for any gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County during the period of October 1st through March 31st of each year, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 4, 2006. Specifically, samples taken at pump No. 5 found that premium gasoline was being dispensed with an oxygen content of 2.2% by weight.

## **III. DENIALS**

Mr. Romo generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Mr. Romo pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Romo's compliance with all the terms and conditions set forth in this Agreed Order resolve only the

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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 payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: David Romo dba Chevron USA 74340, Docket No. 2006-1968-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 Mr. Romo. Mr. Romo is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Romo 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 Mr. Romo, or three days after the date on which the Commission mails notice of the Order to Mr. Romo, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director



\_\_\_\_\_  
Date

2/16/07

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

\_\_\_\_\_  
Date

Nov. 26, 2006

\_\_\_\_\_  
Name (Printed or typed)

\_\_\_\_\_  
Title

Authorized Representative of

David Romo dba Chevron USA 74340

owner

**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.

