

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NUMBER: 2006-0522-AIR-E TCEQ ID NO: RN102746278 CASE NO.:29336
RESPONDENT NAME: PRICE CONSTRUCTION, LTD.

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	<input type="checkbox"/> DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: East side of Highway 277, approximately 2.2 miles north of Elm Creek, north of Eagle Pass, Maverick County

TYPE OF OPERATION: Portable rock crusher

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: A complaint was received by TCEQ staff on February 14, 2006. There is a record of additional pending enforcement actions regarding this facility.

INTERESTED PARTIES: Although a complaint has been received, the complainant has not indicated that they wish to protest this action or speak at Agenda. 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 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Rachael Gaines, Litigation Division, MC 175 (512) 239-0078; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Section III, MC 128, (512) 239-1044

TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052

Respondent: Mr. Lane McMillan, Permit Officer, Price Construction, Ltd., P.O. Box 1029, Big Spring, Texas 79721

Respondent's Attorney: Not represented by counsel.

**RESPONDENT'S NAME: PRICE CONSTRUCTION, LTD.
DOCKET NO.: 2006-0522-AIR-E**

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: February 14, 2006</p> <p>Date(s) of Investigation(s) Relating to this Case: February 15, 2006</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: April 18, 2006 (NOE)</p> <p>Background Facts:</p> <p>An EDRP was filed on October 9, 2006. An Agreed Order was signed on October 31, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>Failed to notify TCEQ before relocating, reconstruction, and operating a portable rock crusher [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 21169, Special Condition 8.A., and TEX. HEALTH & SAFETY CODE § 382.085 (b)].</p>	<p>Total Assessed: \$1,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid to General Revenue: \$1,000</p> <p>The Respondent has paid \$1,000 of the administrative penalty in full.</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>The violation is a gross deviation from the standard of conduct common in the hot mix asphalt plant industry; specifically, the respondent did not employ proper management practices designed to ensure compliance.</p>	<p>Ordering Provision(s):</p> <p>The Respondent shall immediately submit written certification that either authorization to construct and operate the rock crusher at the Site has been obtained or that operation has ceased until such time that appropriate authorization has been obtained.</p> <p>If operation at the Site has ceased, the Respondent shall identify the current location of the Plant.</p>

Penalty Calculation Worksheet (PCW)

TCEQ	Policy Revision 2 (September 2002)	PCW Revision May 19, 2005
DATES	Assigned 17-Apr-2006	
	PCW 09-May-2006	Screening 04-May-2006
		EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Price Construction, Ltd.
Reg. Ent. Ref. No.	RN102746278
Facility/Site Region	16-Laredo
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29336	No. of Violations	1
Docket No.	2006-0522-AIR-E	Order Type	Findings
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	\$1,000
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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	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes
The official compliance history (CH) for this site shows a score of 0.75 because the score is based on the CH as of 9/1/05 which included several investigations and a NOV which were older than 5 years on 5/3/05 when the CH for this PCW was compiled.

Culpability	No <input checked="" type="checkbox"/>	0% Enhancement	Subtotal 4	\$0
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Notes
The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with a small x)

Notes
The respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$20	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$1,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,000
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral because not expedited settlement and Findings Order.

PAYABLE PENALTY	\$1,000
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Screening Date	04-May-2006	Docket No.	2006-0522-AIR-E	PCW
Respondent	Price Construction, Ltd.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	29336	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102746278			
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>)	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%
<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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The official compliance history (CH) for this site shows a score of 0.75 because the score is based on the CH as of 9/1/05 which included several investigations and a NOV which were older than 5 years on 5/3/05 when the CH for this PCW was compiled.

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

Screening Date	04-May-2006	Docket No.	2006-0522-AIR-E	PCW
Respondent	Price Construction, Ltd.		Policy Revision 2 (September 2002)	
Case ID No.	29336		PCW Revision May 19, 2005	
Reg. Ent. Reference No.	RN102746278			
Media [Statute]	Air Quality			
Enf. Coordinator	Miriam Hall			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Permit No. 21169, Special Condition 8.A.			
Secondary Rule Cite(s)	Texas Health & Safety Code § 382.085(b)			
Violation Description	Failed to to notify the TCEQ before relocating, reconstructing, and operating a portable rock crusher. Specifically, the respondent began operation at the Winn Pit, located on the east side of Highway 277, approximately 2.2 miles north of Elm Creek, north of Eagle Pass in Maverick County on or before February 14, 2006, as documented during an investigation on February 15, 2006.			
			Base Penalty	\$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes: Failed to comply with 100% of the rule.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$20	Violation Final Penalty Total \$1,000
This violation Final Assessed Penalty (adjusted for limits) \$1,000	

Economic Benefit Worksheet

Respondent: Price Construction, Ltd.
 Case ID No: 29336
 Reg. Ent. Reference No: RN102746278
 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)	\$500	14-Feb-2006	30-Nov-2006	0.8	\$20	n/a	\$20

Notes for DELAYED costs: The estimated cost of compliance from the first date of violation to projected compliance date.

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 \$500

TOTAL \$20

Compliance History

Customer/Respondent/Owner-Operator:	CN601268295 Price Construction, Ltd.	Classification: AVERAGE	Rating: 2.18
Regulated Entity:	RN102746278 GALO QUARRY CRUSHER	Classification: AVERAGE	Site Rating: 0.75
ID Number(s):	AIR NEW SOURCE PERMITS PERMIT		21169
	AIR NEW SOURCE PERMITS ACCOUNT NUMBER		921169G
Location:	PORTABLE	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 16 - LAREDO		
Date Compliance History Prepared:	May 03, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 03, 2001 to May 03, 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.
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.)
N/A
 - 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
PRICE CONSTRUCTION, LTD.;
RN102746278

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0522-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Price Construction, Ltd. ("Price") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Price, presented this agreement to the Commission.

Price understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, Price agrees to waive all notice and procedural rights.

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

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

FINDINGS OF FACT

1. Price owns and operates a portable rock crusher ("the Plant") located at the Winn Pit, on the east side of Highway 277, approximately 2.2 miles north of Elm Creek, north of Eagle Pass in Maverick County ("the Site").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an inspection on February 15, 2006, a TCEQ Laredo Regional Office investigator documented that Price failed to notify the TCEQ before relocating, reconstructing, and operating a portable rock crusher. Specifically, Price began operations at the Winn Pit, located on the east side of Highway 277, approximately 2.2 miles north of Elm Creek, north of Eagle Pass in Maverick County on or before February 14, 2006.
4. Price received notice of the violations on April 18, 2006.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Price is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Price failed to notify the TCEQ before relocating, reconstructing, and operating a portable rock crusher, in violation of in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 21169, Special Condition 8.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, Price began operations at the Winn Pit, located on the east side of Highway 277, approximately 2.2 miles north of Elm Creek, north of Eagle Pass in Maverick County on or before February 14, 2006.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Price for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission'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 one thousand dollars (\$1,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Price has paid one thousand dollars (\$1,000.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Price is assessed an administrative penalty in the amount of one dollars (\$1,000.00) as set forth in Conclusion of Law No. 4 for violations of TCEQ rules and state statutes. The

payment of this administrative penalty and Price's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Price Construction, Ltd.; Docket No. 2006-0522-AIR-E; Enforcement ID No. 29336" 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. Price shall undertake the following technical requirements:
 - a. Immediately upon the effective date of the Commission Order, Price shall submit written certification that either authorization to construct and operate the rock crusher at the Site has been obtained or that operation has ceased until such time that appropriate authorization has been obtained. In the event the operation has ceased at the Site, Price shall identify the current location of the Plant. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
 - b. Price shall submit all correspondence, reports, and documentation required by Ordering Provision No. 2.a. to:

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

with a copy to:

Rose Luna-Pirtle
Air Section
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Ste. 304
Laredo, Texas 78041-3638

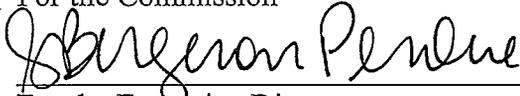
3. The provisions of this Agreed Order shall apply to and be binding upon Price. Price is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Price fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Price's failure to comply is not a violation of this Agreed Order. Price has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Price shall notify the Executive Director within seven days after Price becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Price shall be made in writing to the Executive Director. Extensions are not effective until Price receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Price if the Executive Director determines that Price has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Price 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Price, or three days after the date on which the Commission mails notice of the Order to Price, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

1/16/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Price Construction, Ltd. I represent that I am authorized to agree to the attached Agreed Order on behalf of Price Construction, Ltd., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Price Construction, Ltd. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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 Price Construction, Ltd.'s compliance history;
- Greater scrutiny of any permit applications submitted by Price Construction, Ltd.;
- 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 Price Construction, Ltd.;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Price Construction, Ltd.; and
- TCEQ seeking other relief as authorized by law.

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


Signature

10/31/06
Date

Lane McMillan
Name (printed or typed)
Authorized Representative
Price Construction, Ltd.

Permit Officer
Title