

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0965-MSW-E **TCEQ ID:** RN104904255 **CASE NO.:** 30174
RESPONDENT NAME: Juan Bermudez

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 type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input checked="" 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: Viridis Energy, L.P. Atascocita Landfill Gas To Energy, 3623 Wilson Road, Humble, Harris County

TYPE OF OPERATION: Methane gas recovery facility

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. Dana Shuler, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-2505; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Juan Bermudez, Supervisor/Operator, Viridis Energy, L.P. Atascocita Landfill Gas To Energy, 3623 Wilson Road, Humble, Texas 77396

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 24, 2006</p> <p>Date of NOE Relating to this Case: June 16, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WASTE</p> <p>Failed to obtain a license issued by the Commission before engaging in an activity, occupation, or profession for which a license is required. Specifically, Mr. Bermudez supervised the solid waste operations at the Facility without having an occupational license or obtaining a provisional letter [30 TEX. ADMIN. CODE § 30.5(a) and TEX. WATER CODE § 37.003].</p>	<p>Total Assessed: \$2,500</p> <p>Total Deferred: \$500 <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: \$2,000</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input 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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease engaging in an activity, occupation, or profession supervising solid waste facilities until properly licensed; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	20-Jun-2006	Screening	29-Jun-2006	EPA Due	
	PCW	01-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Juan Bermudez
Reg. Ent. Ref. No.	RN104904255
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30174	No. of Violations	1
Docket No.	2006-0965-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Dana Shuler
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustments are recommended based on compliance history.

Culpability	No	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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$34	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$630	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,500
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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 \$2,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,500
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DEFERRAL	20% Reduction	Adjustment	-\$500
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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	\$2,000
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Screening Date	29-Jun-2006	Docket No.	2006-0965-MSW-E	PCW
Respondent	Juan Bermudez	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30174	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104904255			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Dana Shuler			

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

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

Screening Date	29-Jun-2006	Docket No.	2006-0965-MSW-E	PCW
Respondent	Juan Bermudez	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30174	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104904255			
Media [Statute]	Municipal Solid Waste			
Enf. Coordinator	Dana Shuler			
Violation Number	<input type="text" value="1"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 30.5(a)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Water Code § 37.003"/>			
Violation Description	Failure to obtain a license issued by the Commission before engaging in an activity, occupation, or profession for which a license is required, as documented during an investigation conducted on March 9, 2006. Specifically, the Respondent supervised the solid waste operations at the Facility without having an occupational license or obtaining a provisional letter.			

Base Penalty

>> **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" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input checked="" type="checkbox"/>
annual	<input type="text"/>
Single event	<input type="text"/>

Violation Base Penalty

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: Juan Bermudez
 Case ID No.: 30174
 Reg. Ent. Reference No.: RN104904255
 Media [Statute]: Municipal Solid Waste
 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	\$525	24-Jan-2006	21-Feb-2007	1.1	\$28	n/a	\$28
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$105	24-Jan-2006	21-Feb-2007	1.1	\$6	n/a	\$6

Notes for DELAYED costs: Estimated training and licensing costs to obtain an MSW supervisor's occupational license. Date required is the date of the investigation and final date is the projected 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 \$630

TOTAL \$34

Compliance History

Customer/Respondent/Owner-Operator:	CN602994097 BERMUDEZ, JUAN	Classification:	Rating:
Regulated Entity:	RN104904255 BERMUDEZ JUAN	Classification:	Site Rating:
ID Number(s):			
Location:	3623 WILSON RD, HUMBLE, TX, 77396		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	July 11, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 29, 2001 to June 29, 2006		

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

Name: Dana Shuler Phone: (512) 239-2505

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.

 - 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 06/16/2006 (456707)
 - 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
JUAN BERMUDEZ
RN104904255**

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

AGREED ORDER DOCKET NO. 2006-0965-MSW-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 Juan Bermudez ("Mr. Bermudez") under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 37. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Bermudez appear before the Commission and together stipulate that:

1. Mr. Bermudez, an unlicensed solid waste facility supervisor, resides at 1035 Willow West Drive, Houston, Harris County. Mr. Bermudez supervises the solid waste operations of the Viridis Energy, L.P. Atascocita Landfill Gas To Energy facility located at 3623 Wilson Road, Humble, Harris County, Texas (the "Facility").
2. TCEQ has general authority to regulate solid waste facilities and licensing of persons who supervise the operation or maintenance of solid waste facilities, pursuant to TEX. WATER CODE ch. 37.
3. The Commission and Mr. Bermudez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Bermudez is subject to the Commission's jurisdiction.
4. Mr. Bermudez received notice of the violations alleged in Section II ("Allegations") on or about June 21, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Bermudez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Bermudez has paid Two Thousand Dollars (\$2,000) of the administrative penalty and Five Hundred Dollars (\$500) is deferred contingent upon Mr. Bermudez'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. Bermudez fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Bermudez 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. Bermudez have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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. Bermudez has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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 supervisor of the Facility, Mr. Bermudez is alleged to have failed to obtain a license issued by the Commission before engaging in an activity, occupation, or profession for which a license is required, in violation of 30 TEX. ADMIN. CODE § 30.5(a) and TEX. WATER CODE § 37.003, as documented during an investigation conducted on January 24, 2006. Specifically, Mr. Bermudez supervised the solid waste operations at the Facility without having an occupational license or obtaining a provisional letter.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Bermudez pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Bermudez'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 payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Juan Bermudez, Docket No. 2006-0965-MSW-E" to:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and the public, have a right to know how their money is being managed. This requires the implementation of robust internal controls and the adoption of international best practices for financial reporting. The text also touches upon the importance of ethical conduct and the role of professional associations in promoting high standards of behavior.

Furthermore, the document addresses the challenges faced by financial institutions in the digital age. It notes that the rapid advancement of technology has created new opportunities for innovation but also poses significant risks to data security and privacy. The text suggests that institutions must invest in advanced cybersecurity measures and ensure that their data handling practices comply with relevant regulations. It also mentions the need for ongoing education and training for staff to keep up with the latest developments in the industry.

Finally, the document concludes by reiterating the commitment to excellence and the pursuit of a common goal. It states that the success of the organization depends on the dedication and hard work of every employee. The text encourages a culture of continuous improvement and innovation, where employees are empowered to take initiative and contribute to the overall success of the organization. It also mentions the importance of maintaining strong relationships with stakeholders and the commitment to social responsibility and sustainable development.

CONCLUSION

In conclusion, the document provides a comprehensive overview of the key areas that need to be addressed to ensure the long-term success and sustainability of the organization. It emphasizes the importance of strong leadership, effective communication, and a commitment to high standards of performance. The text also highlights the need for adaptability and resilience in the face of a rapidly changing environment. Finally, it reiterates the organization's commitment to its stakeholders and its dedication to making a positive impact on the world.

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. It is further ordered that Mr. Bermudez shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease engaging in an activity, occupation, or profession supervising solid waste facilities until properly licensed, in accordance with 30 TEX. ADMIN. CODE ch. 30 and TEX. WATER CODE ch. 37; and
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a. The certification shall 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.”

The certification shall be submitted 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:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Bermudez.
4. If Mr. Bermudez 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, Mr. Bermudez's failure to comply is not a violation of this Agreed Order. Mr.

Dear Sir,

I am writing to you regarding the matter of the late Mr. John Doe, who passed away on the 15th of last month. I am the executor of his will and I am writing to you to inform you of the details of the will and the assets of the estate.

The will of Mr. Doe is dated the 1st of January 1998 and is a valid will. It provides for the distribution of his assets to his wife, Mrs. Jane Doe, and his two children, Mr. John Doe and Mrs. Mary Doe. The assets of the estate are valued at approximately £100,000.

I am writing to you to inform you of the details of the will and the assets of the estate. I am writing to you to inform you of the details of the will and the assets of the estate. I am writing to you to inform you of the details of the will and the assets of the estate.

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Bermudez shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Bermudez shall notify the Executive Director within seven days after Mr. Bermudez 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 Mr. Bermudez shall be made in writing to the Executive Director. Extensions are not effective until Mr. Bermudez receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Bermudez 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Bermudez, or three days after the date on which the Commission mails notice of the Order to Mr. Bermudez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Juan Bermudez
DOCKET NO. 2006-0965-MSW-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

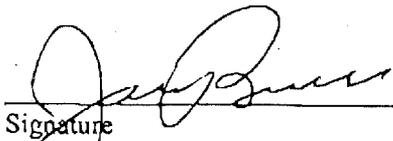
Date 2/8/07

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 11-01-06

Juan Bermudez

Name (Printed or typed)
Authorized Representative of
Juan Bermudez

Title Operator

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.

19/11/16

[Handwritten signature]

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