

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2004-1141-WQ-E TCEQ ID: RN104318316 CASE NO.: 17895
RESPONDENT NAME: MANSFIELD SAND & SELECT, A PARTNERSHIP

Page 1 of 2

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 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 checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: 7864 Retta Mansfield Road, Mansfield, Tarrant County

TYPE OF OPERATION: Surface mining

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no previous 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 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Section II, MC 219, (512) 239-0321

TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901

Respondent: Mr. Scott Meek, Partner, Mansfield Sand & Select, A Partnership, P.O. Box 1608, Mansfield, Texas 76063

Respondent's Attorney: Mr. Erich Birch, Attorney, Birch & Becker, L.L.P., 7000 North Mopac Expressway, 2nd Floor, Austin, Texas 78731

RESPONDENT'S NAME: MANSFIELD SAND & SELECT, A PARTNERSHIP
DOCKET NO.: 2004-1141-WQ-E

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(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: June 10, 2004</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: July 1, 2004 (NOE)</p> <p>Background Facts: The EDRP was filed May 2, 2005. Settlement was achieved and a signed Agreed Order with an initial penalty payment was received on June 2, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>WQ:</p> <p>Failed to obtain authorization through an individual permit or the Multi-Sector General Permit to discharge storm water associated with industrial activity to water in the state [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a)].</p>	<p>Initial Calculated Penalty: \$12,600</p> <p>Total Assessed: \$6,000 *</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total paid/due to General Revenue: \$500 / \$6,000 The Respondent has paid \$500 of the administrative penalty. The remaining amount of \$5,500 of the administrative penalty shall be payable in 11 monthly payments of \$500 each.</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>* Explanation of Initial Calculated Penalty Reduction: This case was part of a settlement of a group of the Clear Stream Initiative cases.</p>	<p>Corrective Actions Taken:</p> <p>The Respondent applied for a Notice of Intent for Storm Water Discharges on July 30, 2004.</p>



Penalty Calculation Worksheet (PCW)
Policy Revision 2 (September 2002) PCW Revision May 17, 2004

DATES
 PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION
 Respondent
 Reg. Ent. Ref. No.
 Additional ID No(s)
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No.	<input type="text" value="17895"/>	No. of Violations	<input type="text" value="1"/>
Docket No.	<input type="text" value="2004-1141-WQ-E"/>	Order Type	<input type="text" value="1660 with deferral"/>
Case Priority	<input type="text" value="3"/>	Enf. Coordinator	<input type="text" value="Harvey Wilson"/>
Media Program(s)	<input type="text" value="Water Quality"/>	EC's Team	<input type="text" value="Enforcement Team 3"/>
Multi-Media	<input type="text"/>		
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$0"/>	Maximum	<input type="text" value="\$10,000"/>

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$14,000												
ADJUSTMENTS (+/-) TO SUBTOTAL 1														
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>														
Compliance History	0% Enhancement	Subtotals 2, 3, & 7												
Notes	<input type="text" value="No change due to Average Performer Classification."/>													
Culpability	No <input type="text" value="0"/> 0% Enhancement	Subtotal 4												
Notes	<input type="text" value="Respondent does not meet the Culpability Criteria."/>													
Good Faith Effort to Comply	10% Reduction	Subtotal 5												
<table border="1"> <tr> <td></td> <td>Before NOV</td> <td>NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td align="center">X</td> </tr> <tr> <td>N/A</td> <td><input type="text"/></td> <td align="center"><i>(mark with a small x)</i></td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	X	N/A	<input type="text"/>	<i>(mark with a small x)</i>	Notes <input type="text" value="Respondent came into compliance on July 30, 2004."/>	
	Before NOV	NOV to EDRP/Settlement Offer												
Extraordinary	<input type="text"/>	<input type="text"/>												
Ordinary	<input type="text"/>	X												
N/A	<input type="text"/>	<i>(mark with a small x)</i>												
Economic Benefit	0% Enhancement*	Subtotal 6												
<table border="1"> <tr> <td>Total EB Amounts</td> <td align="right">\$92</td> </tr> <tr> <td>Approx. Cost of Compliance</td> <td align="right">\$2,000</td> </tr> </table>	Total EB Amounts	\$92	Approx. Cost of Compliance	\$2,000	*Capped at the Total EB \$ Amount									
Total EB Amounts	\$92													
Approx. Cost of Compliance	\$2,000													
SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,600												
OTHER FACTORS AS JUSTICE MAY REQUIRE	<input type="text"/>	Adjustment												
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>														
Notes	<input type="text"/>													
	Final Penalty Amount	\$12,600												
STATUTORY LIMIT ADJUSTMENT	<input type="text"/>	Final Assessed Penalty												
	Reduction	\$12,600												
DEFERRAL	<input type="text"/>	Adjustment												
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>														
Notes	<input type="text" value="No deferral is recommended because settlement was not achieved within the 60 day expedited settlement period."/>													
PAYABLE PENALTY		\$12,600												

Backup\Revised PCW-2.qpw

Screening Date 27-Jul-2004

Docket No. 2004-1141-WQ-E

PCW

Respondent Mansfield Sand & Select, a Partnership

Policy Revision 2 (September 2002)

Case ID No. 17895

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN104318316

Additional ID No(s) 0

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Site Address

7600 Retta Mansfield Road, Mansfield, Tarrant County, Texas.

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 (number of events)	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) 0%

>> 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

No change due to Average Performer Classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Backup\Revised PCW-2.qpw

Screening Date 27-Jul-2004

Docket No. 2004-1141-WQ-E

PCW

Respondent Mansfield Sand & Select, a Partnership

Policy Revision 2 (September 2002)

Case ID No. 17895

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN104318316

Additional ID No(s) 0

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a)

Secondary Rule Cite(s)

Violation Description

Failed to obtain authorization to discharge storm water associated with industrial activity to water in the state through an individual permit or the Multi-Sector General Permit as documented during an investigation conducted on June 10, 2004. The Respondent has been active at this facility since August 29, 2003.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
		<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<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 checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Fourteen (14) monthly events are recommended because the respondent has been active at this location since August 29, 2003 and fourteen months have passed.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Backup\Revised PCW-2.qpw

Economic Benefit Worksheet

Respondent: Mansfield Sand & Select, a Partnership
 Case ID No. 17895
 Reg. Ent. Reference No. RN104318316
 Additional ID No(s): 0
 Media [Statute] Water 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	\$2,000	29-Aug-2003	30-Jul-2004	0.9	\$92	n/a	\$92
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost of submitting the Notice of Intent and to prepare a Storm Water Pollution Prevention Plan. Date Required is the earliest documented date that the facility has been active; Final Date is expected date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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:	CN602654949	MANSFIELD SAND & SELECT	Classification: AVERAGE BY DEFAULT	Rating: 3.010
Regulated Entity:	RN104318316	MANSFIELD SAND & SELECT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	7600 RETTA MANSFIELD RD UNINCORPORATED TARRANT COUNTY		Rating Date: 9/1/03 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	August 05, 2004			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 27, 1999 to July 27, 2004			

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

Name: Christopher Miller Phone: (325) 698-6136

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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.)
1 07/19/2004 (278612)
 - 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 MANSFIELD
SAND & SELECT, A
PARTNERSHIP; RN104318316

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-1141-WQ-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mansfield Sand & Select, a Partnership ("Mansfield") under the authority of TEX. WATER CODE chs. 7 and 26 and 30 Tex. Admin. Code chs. 70 and 281. The Executive Director of the TCEQ, represented by the Litigation Division, and Mansfield, represented by Mr. Erich Birch of the law firm of Birch & Becker, L.L.P., appear before the Commission and together stipulate that:

1. Mansfield owns and operates a surface mining operation located at 7864 Retta Mansfield Road, Mansfield, Tarrant County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the TCEQ rules.
3. The Commission and Mansfield agree that the Commission has jurisdiction to enter this Agreed Order, and that Mansfield is subject to the Commission's jurisdiction.
4. Mansfield received notice of the violations alleged in Section II ("Allegations") on or about July 6, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mansfield of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of six thousand dollars (\$6,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mansfield has paid five hundred dollars (\$500.00) of the administrative penalty. The remaining amount of five thousand five hundred dollars (\$5,500.00) of the administrative penalty shall be payable in eleven monthly payments of five hundred dollars (\$500.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If Mansfield fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mansfield to meet the payment schedule of this Agreed Order constitutes the failure by Mansfield to timely and satisfactorily comply with all the terms of this Agreed Order.
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 Mansfield 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 Mansfield applied for a Notice of Intent for Storm Water Discharges (NOI) on July 30, 2004.
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 Mansfield 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

Mansfield is alleged to have violated 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a) by failing to obtain authorization to discharge storm water associated with industrial activity to water in the state through an individual permit or the Multi-Sector General Permit, as documented during an investigation conducted on June 10, 2004.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mansfield pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mansfield'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 considering requiring corrective action or penalties for violations which 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: Mansfield Sand & Select, Docket No. 2004-1141-WQ-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

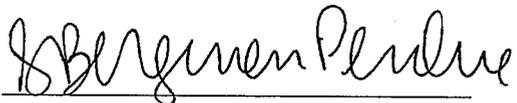
2. The provisions of this Agreed Order shall apply to and be binding upon Mansfield. Mansfield is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If Mansfield fails to comply with any of the Ordering 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, Mansfield's failure to comply is not a violation of this Agreed Order. Mansfield shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mansfield shall notify the Executive Director within seven days after Mansfield becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. 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 Mansfield shall be made in writing to the Executive Director. Extensions are not effective until Mansfield receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mansfield 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.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mansfield, or three days after the date on which the Commission mails notice of the Order to Mansfield, 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

1/16/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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

Scott Meek

Name (Printed or typed)
Authorized representative of
Mansfield Sand & Select

4/7/07
Date

Partner
Title

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