

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1751-AIR-E **TCEQ ID:** RN100225184 **CASE NO.:** 31344
RESPONDENT NAME: Acme Brick Company

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: Acme Brick Bennett Plant, 2350 Bennett Road, Millsap, Parker County

TYPE OF OPERATION: Brick manufacturing

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 22, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Jessica Rhodes, Enforcement Division, Enforcement Section III, MC 149, (512) 239-2879; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Mike O'Connor, Environmental Manager, Acme Brick Company, 2821 West 7th Street, Fort Worth, Texas 76107-2219
Mr. Garth V. Tayler, Technical Director, Acme Brick Company, 2821 West 7th Street, Fort Worth, Texas 76107-2219

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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 31, 2006</p> <p>Date of NOE Relating to this Case: September 1, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>AIR</p> <p>Failed to submit a semi-annual deviation report in a timely manner. Specifically, the deviation report for the period February 6, 2005 to August 6, 2005 was due by September 6, 2005, but was not received until February 15, 2006 [30 TEX. ADMIN. CODE § 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01597, General Terms and Conditions].</p>	<p>Total Assessed: \$2,400</p> <p>Total Deferred: \$480 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,920</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Acme Brick submitted a deviation report for the period February 6, 2005 to August 6, 2005 to the TCEQ Dallas/Fort Worth Regional Office on February 15, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision April 25, 2006

DATES	Assigned <input type="text" value="05-Sep-2006"/>	PCW <input type="text" value="09-Oct-2006"/>	Screening <input type="text" value="29-Sep-2006"/>	EPA Due <input type="text"/>
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RESPONDENT/FACILITY INFORMATION	
Respondent <input type="text" value="Acme Brick Company"/>	
Reg. Ent. Ref. No. <input type="text" value="RN100225184"/>	
Facility/Site Region <input type="text" value="4-Dallas/Fort Worth"/>	Major/Minor Source <input type="text" value="Major Source"/>

CASE INFORMATION	
Enf./Case ID No. <input type="text" value="31344"/>	No. of Violations <input type="text" value="1"/>
Docket No. <input type="text" value="2006-1751-AIR-E"/>	Order Type <input type="text" value="1660"/>
Media Program(s) <input type="text" value="Air Quality"/>	Enf. Coordinator <input type="text" value="Jessica Rhodes"/>
Multi-Media <input type="text"/>	EC's Team <input type="text" value="Enforcement Team 5"/>
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<i>(mark with a small x)</i>	

Notes

Economic Benefit **Subtotal 6**

Total EB Amounts <input type="text" value="\$4"/>	0% Enhancement* <small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance <input type="text" value="\$200"/>	

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 29-Sep-2006

Docket No. 2006-1751-AIR-E

PCW

Respondent Acme Brick Company

Policy Revision 2 (September 2002)

Case ID No. 31344

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100225184

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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>	1	-1%
	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) 21%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due one 1660-style Agreed Order and one NOV for unrelated violations.
Penalty reduction due to one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 21%

Screening Date 29-Sep-2006

Docket No. 2006-1751-AIR-E

PCW

Respondent Acme Brick Company

Policy Revision 2 (September 2002)

Case ID No. 31344

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100225184

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

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"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

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

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: Acme Brick Company
 Case ID No. 31344
 Reg. Ent. Reference No. RN100225184
 Media [Statute]: Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$200	06-Sep-2005	15-Feb-2006	0.4	\$4	n/a	\$4
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Cost to prepare and submit the semi-annual deviation report. The date required is the date that the complete deviation report was due. The final date is the date the Respondent achieved 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 \$200 **TOTAL** \$4

Compliance History

Customer/Respondent/Owner-Operator: CN600124549 Acme Brick Company Classification: AVERAGE Rating: 2.41
 Regulated Entity: RN100225184 ACME BRICK BENNET PLANT Classification: AVERAGE Site Rating: 1.07

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS PETROLEUM STORAGE TANK REGISTRATION AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS STORMWATER	ACCOUNT NUMBER PERMIT REGISTRATION PERMIT PERMIT PERMIT ACCOUNT NUMBER AFS NUM PERMIT PERMIT	PC0001E 1597 12716 25937 41752 47223 PC0001E 0006 70950 TXR05N880
Location:	2350 BENNETT RD, MILLSAP, TX, 76066	Rating Date: 9/1/2006 Repeat Violator: NO	

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 02, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 02, 2001 to October 02, 2006

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

Name: Jessica Rhodes Phone: 512-239-2879

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/23/2005 1660 STYLE ADMINORDER 2003-1492-AIR-E
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT emission limits OP
 Description: Failure to comply with Permit No. 25937 MAERT emission limits for SO2 and HCl. The exceedances were detected during a voluntary stack test conducted at the facility on 2/11/03.

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 | 01/17/2003 | (230807) |
| 2 | 01/14/2002 | (230806) |
| 3 | 08/28/2002 | (1958) |
| 4 | 12/12/2002 | (230804) |
| 5 | 04/06/2006 | (460757) |
| 6 | 11/21/2002 | (230803) |
| 7 | 11/12/2001 | (230802) |

8	10/14/2002	(230801)
9	10/19/2001	(230800)
10	09/13/2002	(230799)
11	08/13/2002	(230797)
12	07/10/2002	(230795)
13	06/14/2002	(230793)
14	05/26/2004	(272495)
15	05/15/2002	(230791)
16	04/14/2003	(230789)
17	04/18/2002	(230788)
18	03/10/2003	(230786)
19	03/11/2002	(230785)
20	02/19/2004	(261684)
21	02/12/2003	(230783)
22	02/15/2002	(230782)
23	06/24/2003	(20486)
24	08/08/2003	(146219)
25	05/16/2003	(366197)
26	06/13/2003	(366198)
27	08/31/2006	(480699)
28	07/15/2003	(366199)
29	08/19/2003	(366200)
30	09/12/2003	(366201)
31	10/14/2003	(366202)
32	11/18/2003	(366203)
33	08/12/2005	(398342)
34	08/28/2003	(148241)
35	10/24/2005	(433274)
36	06/14/2004	(274801)
37	06/29/2005	(394913)
38	08/12/2004	(288838)
39	05/26/2004	(272770)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/08/2006 (489683)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT IA

Description: Failure to include a co-located industrial activity in the storm water pollution prevention plan.

F. Environmental audits.

Notice of Intent Date: 10/01/2002 (33072)

No DOV Associated

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
ACME BRICK COMPANY
RN100225184**

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

AGREED ORDER DOCKET NO. 2006-1751-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 Acme Brick Company ("Acme Brick") 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 Acme Brick appear before the Commission and together stipulate that:

1. Acme Brick owns and operates a brick manufacturing plant at 2350 Bennett Road in Millsap, Parker County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Acme Brick agree that the Commission has jurisdiction to enter this Agreed Order, and that Acme Brick is subject to the Commission's jurisdiction.
4. Acme Brick received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Acme Brick of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Four Hundred Dollars (\$2,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Acme Brick has paid One Thousand Nine Hundred Twenty Dollars (\$1,920) of the administrative penalty and Four Hundred Eighty Dollars (\$480) is deferred contingent upon Acme Brick'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 Acme Brick fails to timely and

satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Acme Brick 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 Acme Brick 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 Acme Brick submitted a deviation report for the period February 6, 2005 to August 6, 2005 to the TCEQ Dallas/Fort Worth Regional Office on February 15, 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 Acme Brick has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Acme Brick is alleged to have failed to submit a semi-annual deviation report in a timely manner, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01597, General Terms and Conditions, as documented during a records review conducted on May 31, 2006. Specifically, the deviation report for the period February 6, 2005 to August 6, 2005 was due by September 6, 2005, but was not received until February 15, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

...the ... of ...
...the ... of ...

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: Acme Brick Company, Docket No. 2006-1751-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 Acme Brick. Acme Brick is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Acme Brick 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 Acme Brick, or three days after the date on which the Commission mails notice of the Order to Acme Brick, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. 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.

2. The second part of the document outlines the specific requirements for record-keeping, including the need to maintain original documents and to keep copies of all supporting documents. It also discusses the importance of ensuring that records are accessible and retrievable.

3. The third part of the document discusses the importance of regular audits and reviews of records. It emphasizes that audits are necessary to ensure that records are accurate and complete, and to identify any areas where improvements can be made.

4. The fourth part of the document discusses the importance of training and education for staff involved in record-keeping. It emphasizes that staff must be properly trained and educated to ensure that records are maintained accurately and in accordance with applicable laws and regulations.

5. The fifth part of the document discusses the importance of data security and protection. It emphasizes that records must be protected from unauthorized access, loss, and destruction, and that appropriate security measures must be implemented to ensure the confidentiality and integrity of the data.

6. The sixth part of the document discusses the importance of data backup and recovery. It emphasizes that records must be backed up regularly and that a recovery plan must be in place to ensure that records can be restored in the event of a disaster or data loss.

7. The seventh part of the document discusses the importance of data retention and disposal. It emphasizes that records must be retained for the appropriate period of time and that they must be disposed of properly when they are no longer needed.

8. The eighth part of the document discusses the importance of data archiving. It emphasizes that records must be archived in a secure and accessible manner to ensure that they are available for future reference and use.

9. The ninth part of the document discusses the importance of data migration. It emphasizes that records must be migrated to new systems and formats as needed to ensure that they remain accessible and usable.

10. The tenth part of the document discusses the importance of data governance. It emphasizes that there must be a clear policy and process for managing data, including the roles and responsibilities of staff involved in data management.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2-6-07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

Signature

10/23/06

Date

Garth V Taylor

Name (Printed or typed)
Authorized Representative of
Acme Brick Company

Technical Director

Title

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

Handwritten text at the top of the page, possibly a header or title.

Second line of handwritten text.

Third line of handwritten text.

Fourth line of handwritten text.

Fifth line of handwritten text.

Sixth line of handwritten text.

Seventh line of handwritten text.

Eighth line of handwritten text.

Ninth line of handwritten text.

Tenth line of handwritten text.

Eleventh line of handwritten text.

Twelfth line of handwritten text at the bottom of the page.