

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1823-LII-E **TCEQ ID:** RN105071377 **CASE NO.:** 31471
RESPONDENT NAME: Andy Chavez

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 checked="" 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: 6600 Lakecliff Street, San Antonio, Bexar County

TYPE OF OPERATION: Landscape irrigation business

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: A complaint was received on September 30, 2005, regarding improper maintenance after a system was installed at the residential site. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: A complaint was received but the complainant has not expressed a desire to protest this action or speak at Agenda.

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. Cari-Michel La Caille, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1387; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Richard Allen, San Antonio Regional Office, MC R-13, (512) 239-6956

Respondent: Mr. Andy Chavez, 1505 Forset Hollow, Live Oak Texas 78233

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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: September 30, 2005</p> <p>Date of Investigation Relating to this Case: September 25, 2006</p> <p>Date of NOE Relating to this Case: October 2, 2006 (NOE)</p> <p>Background Facts: This was a complaint investigation. One violation was documented.</p> <p>WATER</p> <p>Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. Specifically, Mr. Chavez installed an irrigation system at the Site without an irrigator license [30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251].</p>	<p>Total Assessed: \$625</p> <p>Total Deferred: \$125 <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: \$500</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 selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems 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 09-Oct-2006	Screening 17-Oct-2006	EPA Due <input type="text"/>
	PCW 16-Oct-2006		

RESPONDENT/FACILITY INFORMATION	
Respondent	Andy Chavez
Reg. Ent. Ref. No.	RN105071377
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31471	No. of Violations	1
Docket No.	2006-1823-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$625
---	-------------------	--------------

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
---------------------------	----------------	--------------------------------	------------

Notes The respondent has not had any enforcement actions within the last five years.

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

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	------------

	Before NOV	NOV to EDRP/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
-------------------------	-----------------	-------------------	------------

Total EB Amounts	\$37	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$625
-----------------------------	-----------------------	--------------

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

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

Notes

Final Penalty Amount	\$625
-----------------------------	--------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$625
-----------------------------------	-------------------------------	--------------

DEFERRAL	20% Reduction	Adjustment	-\$125
-----------------	---------------	-------------------	---------------

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	\$500
------------------------	--------------

Screening Date 17-Oct-2006 **Docket No.** 2006-1823-LII-E **PCW**
Respondent Andy Chavez *Policy Revision 2 (September 2002)*
Case ID No. 31471 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN105071377
Media [Statute] Irrigators
Enf. Coordinator Cari-Michel La Caille

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	no	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 0%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The respondent has not had any enforcement actions within the last five years.

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

Screening Date 17-Oct-2006

Docket No. 2006-1823-LII-E

PCW

Respondent Andy Chavez

Policy Revision 2 (September 2002)

Case ID No. 31471

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN105071377

Media [Statute] Irrigators

Enf. Coordinator Cari-Michel La Caille

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 344.4 and 30.5(a)

Secondary Rule Cite(s) Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description
 Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. Specifically, Mr. Chavez installed an irrigation system at 6600 Lakecliff Street, San Antonio, Bexar County without an irrigator license, as documented during a record review conducted on September 25, 2006.

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

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<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 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: Andy Chavez
 Case ID No. 31471
 Reg. Ent. Reference No. RN105071377
 Media [Statute] Irrigators
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description No commas or \$							

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	\$500	30-Sep-2005	30-Mar-2007	1.5	\$37	n/a	\$37
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated amount required to obtain a valid irrigation license, calculated from the date of the complaint through the expected 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 \$500

TOTAL \$37

Compliance History

Customer/Respondent/Owner-Operator: CN603100975 CHAVEZ, ANDY Classification: Rating:
Regulated Entity: RN105071377 CHAVEZ ANDY Classification: Site Rating:
ID Number(s):
Location: 11505 FOREST HOLLOW, LIVE OAK, TX, 78233
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: October 10, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 10, 2001 to October 10, 2006

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

Name: Cari-Michel La Caille Phone: 512-239-1387

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. (CEEDS Inv. Track. No.)
NA
 - E. Written notices of violations (NOV). (CEEDS 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
ANDY CHAVEZ
RN105071377**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1823-LII-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 Andy Chavez ("Mr. Chavez") under the authority of TEX. OCCUPATIONS CODE ch. 1903 and TEX. WATER CODE chs. 7 and 37. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Chavez appear before the Commission and together stipulate that:

1. Mr. Chavez owns and operates a landscape irrigation business at 11505 Forest Hollow, Live Oak, Bexar County, Texas. Mr. Chavez installed an irrigation system at 6600 Lakecliff Street, San Antonio, Bexar County, Texas (the "Site").
2. TCEQ has general authority to regulate the design and installation of landscape irrigation systems, and the licensing of landscape irrigators and installers, pursuant to TEX. OCCUPATIONS CODE ch. 1903.
3. The Commission and Mr. Chavez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Chavez is subject to the Commission's jurisdiction.
4. Mr. Chavez received notice of the violations alleged in Section II ("Allegations") on or about October 7, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Chavez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Hundred Twenty-Five Dollars (\$625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Chavez has paid Five Hundred Dollars (\$500) of the administrative penalty and One Hundred Twenty-Five Dollars (\$125) is deferred contingent upon Mr. Chavez' 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. Chavez fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Chavez 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. Chavez 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. Chavez 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 the irrigator at the Site, Mr. Chavez is alleged to have failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, in violation of 30 TEX. ADMIN. CODE §§ 344.4 and 30.5(a), TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on September 25, 2006. Specifically, Mr. Chavez installed an irrigation system at the Site without an irrigator license.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Chavez pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Chavez' 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: Andy Chavez, Docket No. 2006-1823-LII-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 internal controls in ensuring the reliability of financial data.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and regulators, rely on accurate and timely information to make informed decisions. Therefore, organizations must adhere to high standards of disclosure and reporting practices.

The second part of the document focuses on the challenges faced by organizations in implementing effective financial management systems. It identifies several key areas of concern, such as the complexity of financial data, the rapid pace of technological change, and the need for skilled personnel to manage these systems. The text suggests that organizations should invest in training and development to ensure that their staff is equipped to handle these challenges.

Furthermore, the document discusses the importance of collaboration and communication in financial management. It notes that successful financial management requires close cooperation between different departments and a clear understanding of the organization's overall financial goals. Regular communication and reporting are essential for identifying potential issues and taking corrective action in a timely manner.

The third part of the document provides a detailed overview of the various components of a financial management system. It covers topics such as budgeting, forecasting, and financial reporting. The text explains how these components are interconnected and how they contribute to the overall financial health of the organization. It also discusses the role of technology in automating these processes and improving efficiency.

In conclusion, the document emphasizes that financial management is a critical function for any organization. It requires a combination of strong internal controls, accurate record-keeping, and effective communication. By following the principles outlined in this document, organizations can ensure the integrity and reliability of their financial systems and achieve their long-term financial goals.

The document also includes a section on the importance of risk management in financial management. It discusses how organizations can identify and assess financial risks and implement strategies to mitigate them. This section highlights the need for a proactive approach to risk management and the importance of regular risk assessments. It also mentions the role of insurance and other risk transfer mechanisms in protecting the organization's assets.

Overall, the document provides a comprehensive overview of financial management and its various aspects. It serves as a valuable resource for anyone involved in financial management, offering practical advice and insights into the challenges and opportunities of this field.

The document concludes with a summary of the key points discussed and a call to action for organizations to take a proactive approach to financial management. It encourages organizations to regularly review their financial management practices and make necessary adjustments to ensure they remain effective and efficient.

Finally, the document includes a section on the future of financial management. It discusses the impact of emerging technologies, such as artificial intelligence and blockchain, on the financial management landscape. It suggests that organizations should stay up-to-date on these developments and explore ways to leverage them to improve their financial management processes.

The document also mentions the importance of staying informed about changes in financial regulations and standards. It notes that organizations must adapt to these changes to remain compliant and avoid potential penalties. It suggests that organizations should establish a process for monitoring regulatory updates and implementing necessary changes to their financial management systems.

In summary, the document provides a thorough and practical guide to financial management. It covers a wide range of topics, from record-keeping and reporting to risk management and the future of the field. By following the advice provided, organizations can enhance their financial management practices and ensure the long-term success and stability of their operations.

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. Chavez shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed, in accordance with the requirements of 30 TEX. ADMIN. CODE ch. 344; 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 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:

Manager, Regulatory Compliance Section
Compliance Support Division, MC-178
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Chavez.

The first part of the document is a letter from the President of the United States to the Vice President. The letter discusses the current state of the economy and the need for a balanced budget. The President expresses his confidence in the Vice President's leadership and his commitment to the American people.

The second part of the document is a report from the Secretary of the Department of the Interior. The report details the progress of the department's efforts to manage the nation's natural resources. It highlights the success of various conservation programs and the challenges that remain.

The third part of the document is a speech given by the Secretary of the Department of the Interior at a public hearing. The speech addresses the concerns of the public regarding the management of public lands. The Secretary emphasizes the department's commitment to transparency and accountability in its operations.

Very truly yours,
John D. Eastman
Secretary of the Department of the Interior

John D. Eastman
Secretary of the Department of the Interior
Washington, D.C.

4. If Mr. Chavez 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. Chavez' failure to comply is not a violation of this Agreed Order. Mr. Chavez shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Chavez shall notify the Executive Director within seven days after Mr. Chavez 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. Chavez shall be made in writing to the Executive Director. Extensions are not effective until Mr. Chavez 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. Chavez 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. Chavez, or three days after the date on which the Commission mails notice of the Order to Mr. Chavez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second block of faint, illegible text, appearing as a separate paragraph.

Third block of faint, illegible text, continuing the document's content.

Fourth block of faint, illegible text, showing further details or a list.

Fifth block of faint, illegible text, possibly a concluding paragraph or signature area.

Sixth block of faint, illegible text, appearing as a separate section or note.

Seventh block of faint, illegible text, continuing the document's content.

Eighth block of faint, illegible text at the bottom of the page, possibly a footer or reference.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/10/07

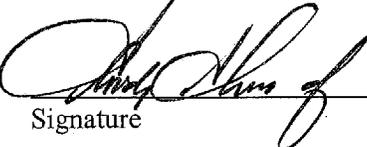
Date

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

11/10/06

Date

ANDY CHAVEZ JR

Name (Printed or typed)
Andy Chavez

PRESIDENT (OWNER)

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.

1870

...

...

...

...

...

...

...

...

...

...