

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1429-PWS-E **TCEQ ID:** RN101202240 **CASE NO.:** 14988  
**RESPONDENT NAME:** Gaylord Willett dba Essman Warehouse Complex

**ORDER TYPE:**

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

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input 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 checked="" 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:** Essman Warehouse Complex, 20819 Essman Lane, Houston, Harris County

**TYPE OF OPERATION:** Public water supply

**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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Sandy VanCleave, Enforcement Division, MC 219, (512) 239-2670; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. De'Shaune Blake, Houston Regional Office, MC R-12, (713) 767-3500

**Respondent:** Mr. Gaylord Willett, Owner, Essman Warehouse Complex, P.O. Box 1126, Montgomery, Texas 77356-1126

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 14, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 10, 2006 (NOE)</p> <p><b>Background Facts:</b> This investigation was conducted to determine compliance with Agreed Order Docket No. 2004-0732-PWS-E and applicable public water supply requirements. The investigation documented that the Respondent failed to comply with three violations of the Agreed Order and one additional violation not related to the Agreed Order.</p> <p><b>WATER</b></p> <p>1) Failed to locate ground water sources so there will be no danger of pollution from insanitary surroundings [30 TEX. ADMIN. CODE § 290.41(c)(1)(B) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.a.vii].</p> <p>2) Failed to provide accurate and up-to-date detailed "as-built" plans or record drawings and specifications for each treatment plant, pump station and storage tank at the facility [30 TEX. ADMIN. CODE § 290.46(n)(1) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.i.].</p> <p>3) Failed to provide well completion data for the well prior to placing the well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.ii.].</p> <p>4) Failed to secure a sanitary control easement covering all property within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p>	<p><b>Total Assessed:</b> \$1,188</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,188</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has demonstrated a pattern of disregard for environmental law by not complying with a previously issued Agreed Order for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Prepare and submit complete and accurate "as-built" plans and specifications describing the existing facilities as well as any proposed modifications. These plans and specifications shall be prepared by a Texas Registered Professional Engineer well versed in design of public water systems, and shall be a permanent part of the Facility's records;</p> <p>ii. Prepare and submit well completion data and include all data as specified in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), or obtain an exception to the rule. A copy of the well completion data or the TCEQ letter granting an exception to the rule shall be a permanent part of the Facility's record; and</p> <p>iii. Ensure that the well site is not located within 500 feet of a sewerage lift station, or obtain an exception to the rule. Mr. Willett shall comply with the following conditions until such time the well is located where there will be no danger of pollution from insanitary surroundings around the well:</p> <p>A. A raw water (untreated) sample from the well must be submitted each month for bacteriological analysis. These samples are required in addition to the routine monthly distribution samples and must be collected directly from the wellhead prior to the point of chlorination. The results of these analyses shall be maintained as a part of the Facility's records; and</p> <p>B. The chlorination equipment must be operated to maintain a minimum free chlorine residual of 0.5 milligrams per liter (mg/L) throughout the distribution system.</p> <p>iv. Secure a sanitary control easement covering all property within 150 feet of the well location and file the easement in the county deed records, or obtain an exception to the rule.</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	15-Aug-2006	<b>Screening</b>	22-Aug-2006	<b>EPA Due</b>	31-May-2007
	<b>PCW</b>	12-Oct-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Gaylord Willett dba Essman Warehouse Complex
<b>Reg. Ent. Ref. No.</b>	RN101202240
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	14988	<b>No. of Violations</b>	4
<b>Docket No.</b>	2006-1429-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Sandy VanCleave
<b>Multi-Media</b>		<b>EC's Team</b>	Order Compliance Team
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## 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** 25% Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability** No  **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)
<b>Notes</b>	<input type="text" value="The Respondent is not yet in compliance."/>	

**Economic Benefit** 0% Enhancement\* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$1,927"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$14,100"/>	

**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** 0% Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 22-Aug-2006

**Docket No.** 2006-1429-PWS-E

**PCW**

**Respondent** Gaylord Willett dba Essman Warehouse Complex

*Policy Revision 2 (September 2002)*

**Case ID No.** 14988

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101202240

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Sandy VanCleave

**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> )	1	5%
	Other written NOVs	0	0%
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 ( <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	<i>Please Enter Yes or No</i>		
	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)** 25%

>> **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 received one NOV for the same violations and was issued one agreed enforcement order containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

**Screening Date** 22-Aug-2006 **Docket No.** 2006-1429-PWS-E **PCW**

**Respondent** Gaylord Willett dba Essman Warehouse Complex *Policy Revision 2 (September 2002)*

**Case ID No.** 14988 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101202240

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Sandy VanCleave

**Violation Number**

**Primary Rule Cite(s)** TCEQ Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.a.vii and 30 Tex. Admin. Code § 290.41(c)(1)(B)

**Secondary Rule Cite(s)**

**Violation Description** Failed to locate ground water sources so there will be no danger of pollution from insanitary surroundings. Specifically, during the investigation, it was documented that the public water supply well is located approximately 285 feet of a sewerage lift station.

**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

**Matrix Notes** Failure to ensure that the well is at least 300 feet from a sewage pumping station could expose the water supply's source water to be contaminated with a significant level of pollutants which would not exceed levels protective of human health.

**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 checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Seven quarterly events are recommended based on the Order effective date of February 10, 2005, to the August 22, 2006 enforcement screening date.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** Gaylord Willett dba Essman Warehouse Complex  
**Case ID No.** 14988  
**Reg. Ent. Reference No.** RN101202240  
**Media [Statute]** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime	EB
						Costs	Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	10-Feb-2005	01-Apr-2007	2.1	\$71	\$1,425	\$1,496
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to relocate the well so there will be no danger of pollution from insanitary surroundings. Date required is the Order effective date and final date is the estimated date of compliance.

<b>Avoided Costs</b> 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 \$10,000 **TOTAL** \$1,496

<b>Screening Date</b>	22-Aug-2006	<b>Docket No.</b>	2006-1429-PWS-E	<b>PCW</b>
<b>Respondent</b>	Gaylord Willett dba Essman Warehouse Complex			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	14988			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101202240			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Sandy VanCleave			
<b>Violation Number</b>	<input type="text" value="2"/>			
<b>Primary Rule Cite(s)</b>	TCEQ Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.i and 30 Tex. Admin. Code § 290.46(n)(1)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to provide accurate and up-to-date detailed "as-built" plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the facility. Specifically, during the investigation, it was documented that "as-built" plans and specifications have yet to be submitted to the TCEQ for review.			

**Base Penalty**

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <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="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

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="text" value="x"/>

**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** Gaylord Willett dba Essman Warehouse Complex  
**Case ID No.** 14988  
**Reg. Ent. Reference No.** RN101202240  
**Media [Statute]** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$2,500	10-Feb-2005	01-Apr-2007	2.1	\$267	n/a	\$267
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**  
 Estimated cost to secure the services of a registered professional engineer well versed in the design of public water system to prepare and submit "as-built" plans of the water system. Date required is the order effective date. Final date is the estimated date of compliance.

<b>Avoided Costs</b>		<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>					
Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$2,500 TOTAL \$267

**Screening Date** 22-Aug-2006 **Docket No.** 2006-1429-PWS-E **PCW**  
**Respondent** Gaylord Willett dba Essman Warehouse Complex *Policy Revision 2 (September 2002)*  
**Case ID No.** 14988 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101202240  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Sandy VanCleave  
**Violation Number** 3

**Primary Rule Cite(s)** TCEQ Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.ii and 30 Tex. Admin. Code § 290.41(c)(3)(A)  
**Secondary Rule Cite(s)**  
**Violation Description** Failed to provide well completion data for the well prior to placing the well into service. Specifically, during the investigation, it was documented that the well completion data had yet to be submitted to the TCEQ for review.

**Base Penalty** \$1,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

**Matrix Notes** The Respondent failed to comply with 100 percent of this requirement.

**Adjustment** -\$900

**Base Penalty Subtotal** \$100

**Violation Events**

**Number of Violation Events** 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

One single event is recommended base on documentation of the violation during the July 14, 2006 investigation.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$160

**Violation Final Penalty Total** \$125

**This violation Final Assessed Penalty (adjusted for limits)** \$125

### Economic Benefit Worksheet

**Respondent:** Gaylord Willett dba Essman Warehouse Complex  
**Case ID No.:** 14988  
**Reg. Ent. Reference No.:** RN101202240  
**Media [Statute] Violation No.:** Public Water Supply 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,500	10-Feb-2005	01-Apr-2007	2.1	\$160	n/a	\$160
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**

Estimated cost to submit well completion data for the public water supply well. Date required is the order effective date. Final date is the estimated 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 \$1,500

**TOTAL** \$160

**Screening Date** 22-Aug-2006 **Docket No.** 2006-1429-PWS-E **PCW**

**Respondent** Gaylord Willett dba Essman Warehouse Complex *Policy Revision 2 (September 2002)*

**Case ID No.** 14988 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101202240

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Sandy VanCleave

**Violation Number** 4

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(1)(F)

**Secondary Rule Cite(s)**

**Violation Description**  
Failed to secure a sanitary control easement covering all property within 150 feet of the well. Specifically, during the investigation, the manager of the facility failed to provide a sanitary control easement for the public water supply well.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**  
Failure to secure a sanitary control easement covering all property within 150 feet of the well could result in an insignificant amount of pollutants which do not exceed levels that are protective of human health entering the water supply.

**Adjustment** -\$950

**Base Penalty Subtotal** \$50

**Violation Events**

**Number of Violation Events** 1

<i>mark only one use a small x</i>	<i>daily</i>	
	<i>monthly</i>	
	<i>quarterly</i>	
	<i>semiannual</i>	
	<i>annual</i>	
	<i>single event</i>	X

**Violation Base Penalty** \$50

One single event is recommended base on documentation of the violation during the July 14, 2006 investigation.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$4

**Violation Final Penalty Total** \$63

**This violation Final Assessed Penalty (adjusted for limits)** \$63

### Economic Benefit Worksheet

**Respondent:** Gaylord Willett dba Essman Warehouse Complex  
**Case ID No.:** 14988  
**Reg. Ent. Reference No.:** RN101202240  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	14-Jul-2006	01-Apr-2007	0.7	\$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:** Estimated cost to complete a survey and file a sanitary control easement in the county courthouse or obtain an exception to the rule. Date required is the investigation date. The final date is the estimated 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 \$100 **TOTAL** \$4

## Compliance History

Customer/Respondent/Owner-Operator:	CN600646822    WILLETT, GAYLORD	Classification:	Rating:
Regulated Entity:	RN101202240    ESSMAN WAREHOUSE COMPLEX	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1013096
	WATER LICENSING	LICENSE	1013096
Location:	20819 ESSMAN LANE KEY MAP 333N		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 22, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 22, 2001 to August 22, 2006		

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

Name: Sandy VanCleave Phone: (512) 239-2670

### 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.

- |                                                                                                                                                                                                                                          |                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Effective Date: 02/10/2005                                                                                                                                                                                                               | ADMINORDER 2004-0732-PWS-E |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(B)                                                                                                                                                                               |                            |
| Description: Failure to locate ground water sources so there will be no danger of pollution from insanitary surroundings. Specifically, the well is located within 300 feet of a sewerage lift station.                                  |                            |
| Classification: Minor                                                                                                                                                                                                                    |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)                                                                                                                                                                                  |                            |
| Description: Failure to provide up-to-date "as-built" plans and specifications of the Facility.                                                                                                                                          |                            |
| Classification: Minor                                                                                                                                                                                                                    |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)                                                                                                                                                                                  |                            |
| Description: Failure to provide an up-to-date map of the distribution system.                                                                                                                                                            |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)                                                                                                                                                                                  |                            |
| Description: Failure to maintain all distribution system lines and all pressure maintenance facilities in a watertight condition. Specifically, the distribution line located at the well and an area on the pressure tank were leaking. |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)                                                                                                                                                                                    |                            |
| Description: Failure to develop and maintain an up-to-date monitoring plan for the facility.                                                                                                                                             |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)                                                                                                                                                                                  |                            |
| Description: Failure to provide a secured housing for hypochlorinator solution containers and pumps and to properly cover and seal the solution container lid.                                                                           |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)                                                                                                                                                                               |                            |
| Description: Failure to provide a well casing that is at least 18 inches above the elevation of the natural ground surface.                                                                                                              |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)                                                                                                                                                                               |                            |
| Description: Failure to provide a concrete sealing block around the well.                                                                                                                                                                |                            |
| Classification: Minor                                                                                                                                                                                                                    |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)                                                                                                                                                                               |                            |
| Description: Failure to provide a well casing vent.                                                                                                                                                                                      |                            |
| Classification: Moderate                                                                                                                                                                                                                 |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)                                                                                                                                                                                  |                            |

Description: Failure to provide the well completion data.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)  
 Description: Failure to provide a sampling tap on the well discharge line.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
 Description: Failure to install a flow meter on the well pump discharge line to measure water usage.  
 Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
 30 TAC Chapter 290, SubChapter D 290.43(e)  
 Description: Failure to provide intruder-resistant fencing or lockable housing around the well site and the pressure tank.

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 03/09/2004 (264480)  
 2 08/10/2006 (462650)  
 3 09/07/2005 (405572)

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

Date: 08/22/2005 (405572)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(B)  
 Description: Failure to locate ground water sources so there will be no danger of pollution from Insanitary surroundings. Specifically, the well is located within 300 feet of a sewerage lift station.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)  
 Description: Failure to provide up-to-date "as-built" plans and specifications of the Facility.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)  
 Description: Failure to provide the well completion data.  
 Self Report? NO Classification: Major  
 Citation: 2A TWC Chapter 7, SubChapter A 7.101  
 Description: Failed to comply with Ordering Provisions of Commission Order Docket No. 2004-0732-PWS-E.

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  
GAYLORD WILLETT DBA ESSMAN  
WAREHOUSE COMPLEX  
RN101202240

§  
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§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2006-1429-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gaylord Willett dba Essman Warehouse Complex ("Mr. Willett") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Willett presented this agreement to the Commission.

Mr. Willett understands that he certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Willett agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Willett.

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

**I. FINDINGS OF FACT**

1. Mr. Willett owns and operates a public water supply at 20819 Essman Lane in Houston, Harris County, Texas (the "Facility") that has approximately 21 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation on July 14, 2006, TCEQ staff documented that Mr. Willett did not locate ground water sources so there will be no danger of pollution from insanitary surroundings. Specifically, it was documented that the public water supply well is located approximately 285 feet of a sewerage lift station.



3. During an investigation on July 14, 2006, TCEQ staff documented that Mr. Willett did not provide accurate and up-to-date detailed "as-built" plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the facility. Specifically, it was documented that "as-built" plans and specifications have yet to be submitted to the TCEQ for review.
4. During an investigation on July 14, 2006, TCEQ staff documented that Mr. Willett did not provide well completion data for the well prior to placing the well into service. Specifically, it was documented that the well completion data has yet to be submitted to the TCEQ for review.
5. During an investigation on July 14, 2006, TCEQ staff documented that Mr. Willett did not secure a sanitary control easement covering all property within 150 feet of the well. Specifically, it was documented that the manager of the facility failed to provide a sanitary control easement for the public water supply well.
6. Mr. Willett received notice of the violations on August 15, 2006.

## II. CONCLUSIONS OF LAW

1. Mr. Willett is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Mr. Willett failed to locate ground water sources so there will be no danger of pollution from insanitary surroundings, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(B) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.a.vii.
3. As evidenced by Finding of Fact No. 3, Mr. Willett failed to provide accurate and up-to-date detailed "as-built" plans or record drawings and specifications for each treatment plant, pump station and storage tank at the facility, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.i.
4. As evidenced by Finding of Fact No. 4, Mr. Willett failed to provide well completion data for the well prior to placing the well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and Agreed Order Docket No. 2004-0732-PWS-E, Ordering Provision No. 2.c.ii.
5. As evidenced by Finding of Fact No. 5, Mr. Willett failed to secure a sanitary control easement covering all property within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Willett for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It discusses how data can be used to identify trends, forecast future performance, and optimize resource allocation across different departments.

4. The fourth part of the document addresses the challenges associated with data management and analysis. It identifies common pitfalls such as data silos, inconsistent reporting, and limited access to data, and provides strategies to overcome these challenges.

5. The fifth part of the document discusses the role of technology in enhancing data management and analysis. It explores the use of cloud-based solutions, data visualization tools, and artificial intelligence to streamline data processing and improve decision-making efficiency.

6. The sixth part of the document emphasizes the importance of data security and privacy. It outlines best practices for protecting sensitive information, including the use of encryption, access controls, and regular security audits.

7. The seventh part of the document discusses the ethical implications of data collection and analysis. It highlights the need for transparency in data collection, informed consent from individuals, and the responsible use of data to avoid bias and discrimination.

8. The eighth part of the document provides a summary of the key findings and recommendations. It reiterates the importance of a data-driven approach and provides actionable steps for organizations to improve their data management and analysis practices.

9. The ninth part of the document discusses the future of data management and analysis. It explores emerging trends such as big data, data lakes, and the integration of data with other business systems, and provides insights into how these trends will shape the future of data-driven decision-making.

10. The tenth part of the document concludes with a final statement on the importance of data in driving organizational success. It emphasizes that data is not just a resource, but a strategic asset that can provide a significant competitive advantage to organizations that leverage it effectively.

11. The eleventh part of the document provides a list of references and sources used in the research. It includes academic journals, industry reports, and other relevant publications that provide additional context and support for the findings and recommendations presented in the document.

12. The twelfth part of the document provides a list of appendices and supplementary materials. These include detailed data tables, charts, and other supporting documents that provide further information and detail for the reader's reference.

7. An administrative penalty in the amount of One Thousand One Hundred Eighty-Eight Dollars (\$1,188) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Willett has paid the One Thousand One Hundred Eighty-Eight Dollar (\$1,188) administrative penalty.

### III. ORDERING PROVISIONS

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

1. Mr. Willett is assessed an administrative penalty in the amount of One Thousand One Hundred Eighty-Eight Dollars (\$1,188), as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Willett's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gaylord Willett dba Essman Warehouse Complex, Docket No. 2006-1429-PWS-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. Mr. Willett shall undertake the following technical requirements:

- a. Within 60 days after the effective date of this Agreed Order:

- i. Prepare and submit complete and accurate "as-built" plans and specifications describing the existing facilities as well as any proposed modifications, in accordance with 30 TEX. ADMIN. CODE § 290.46. These plans and specifications shall be prepared by a Texas Registered Professional Engineer well versed in design of public water systems, and shall be a permanent part of the Facility's records. The plans shall be submitted to:

Utility Technical Review Team  
Water Supply Division, MC 153  
Texas Commission on Environmental Quality  
Austin, Texas 78711-3087

- ii. Prepare and submit well completion data and include all data as specified in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), or obtain an exception to the rule. A copy of the well completion data or the TCEQ letter granting an exception to the rule



shall be a permanent part of the Facility's record and submitted to the above address; and

- iii. Ensure that the well site is not located within 500 feet of a sewerage lift station, in accordance with 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the rule. Mr. Willett shall comply with the following conditions until such time the well is located where there will be no danger of pollution from insanitary surroundings around the well:
  - A. A raw water (untreated) sample from the well must be submitted each month for bacteriological analysis. These samples are required in addition to the routine monthly distribution samples and must be collected directly from the wellhead prior to the point of chlorination. The results of these analyses shall be maintained as a part of the Facility's records; and
  - B. The chlorination equipment must be operated to maintain a minimum free chlorine residual of 0.5 milligrams per liter (mg/L) throughout the distribution system.
- iv. Secure a sanitary control easement covering all property within 150 feet of the well location and file the easement in the county deed records, as required by 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to the rule.
- b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

with a copy to:

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Manager, Water Section  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Willett. Mr. Willett is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
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 Mr. Willett shall be made in writing to the Executive Director. Extensions are not effective until Mr. Willett receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Willett if the Executive Director determines that Mr. Willett has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Willett 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

...the ... of ...

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3/15/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Gaylord Willett dba Essman Warehouse Complex. I am authorized to agree to the attached Agreed Order on behalf of Gaylord Willett dba Essman Warehouse Complex, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

I also understand that 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

10-26-06  
\_\_\_\_\_  
Date

GAYLORD T. WILLETT  
\_\_\_\_\_  
Name (printed or typed)  
Authorized Representative  
Gaylord Willett dba Essman Warehouse Complex

\_\_\_\_\_  
Title

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