

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1721-WQ-E **TCEQ ID:** RN105023907 **CASE NO.:** 31178  
**RESPONDENT NAME:** City of Buda Economic Development Corporation

**ORDER TYPE:**

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

**CASE TYPE:**

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

**SITE WHERE VIOLATION(S) OCCURRED:** City of Buda Economic Development Corporation Buda Sportsplex, at the intersection of Farm-to-Market Road 967 and Farm-to-Market Road 1626, Buda, Hays County

**TYPE OF OPERATION:** Construction site

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 29, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768

**TCEQ Enforcement Coordinator:** Ms. Pamela Campbell, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4493; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896

**TCEQ Field Investigator:** Ms. Julie Pevehouse, Austin Regional Office, MC R-11, (512) 339-2929

**Respondent:** Mr. Warren Kettelman, Executive Director, City of Buda Economic Development Corporation, P. O. Box 165, Buda, Texas 78610

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

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RESPONDENT'S NAME: City of Buda Economic Development Corporation  
 DOCKET NO.: 2006-1721-WQ-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 1, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 30, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine scheduled investigation for compliance with the water quality program. One significant program violation was observed.</p> <p><b>WATER</b></p> <p>Failure to obtain authorization to discharge storm water associated with construction activities to water in the state [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].</p>	<p><b>Total Assessed:</b> \$1,600</p> <p><b>Total Deferred:</b> \$320  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,280</p> <p><b>Total Paid to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification:</b> <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input checked="" 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>Corrective Action Taken</b></p> <p>1) The Executive Director recognizes that Buda EDC submitted the Notice of Intent to discharge storm water to the TCEQ on September 9, 2006.</p> <p><b>Ordering Provision</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment 1).</p>

Attachment A  
Docket Number: 2006-1721-WQ-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Buda Economic Development Corporation  
**Payable Penalty Amount:** One Thousand Two Hundred Eighty Dollars (\$1,280)  
**SEP Amount:** One Thousand Two Hundred Eighty Dollars (\$1,280)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** The Hill Country Conservancy-Wentzel Tract Project  
**Location of SEP:** Hays County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to The Hill Country Conservancy for the Wentzel Tract project. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between The Hill Country Conservancy and the Texas Commission on Environmental Quality*. SEP monies will be used to help divert water into an 18-acre abandoned quarry. The quarry will then capture and hold the water, so that the water can be absorbed into the Edwards Aquifer that runs beneath the quarry. It is estimated that the quarry could divert up to 275 acre-feet of additional storm water runoff into the Edwards Aquifer.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing for additional water to be absorbed into the recharge zone of the Edwards Aquifer.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

George Cofer, Executive Director  
The Hill Country Conservancy  
3306 Gentry Drive  
Austin, Texas 78746-5507

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to “Texas Commission on Environmental Quality” and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the



City of Buda Economic Development Corporation  
Agreed Order – Attachment A

TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





<b>DATES</b>	Assigned	05-Sep-2006		
	PCW	28-Sep-2006	Screening	12-Sep-2006
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	City of Buda Economic Development Corporation
Reg. Ent. Ref. No.	RN105023907
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31178	No. of Violations	1
Docket No.	2006-1721-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$2,000
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#### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	-10% Enhancement	Subtotals 2, 3, & 7	-\$200
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Notes: Reduction due to high performer classification.

<b>Culpability</b>	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	10% Reduction	Subtotal 5	-\$200
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A	(mark with a small x)	

Notes: The respondent submitted an NOI on September 9, 2006.

<b>Economic Benefit</b>	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$15	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,100	

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$1,600
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	\$1,600
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<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$1,600
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<b>DEFERRAL</b>	20% Reduction	Adjustment	-\$320
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,280
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**Respondent** City of Buda Economic Development Corporation  
**Case ID No.** 31178  
**Reg. Ent. Reference No.** RN105023907  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Pamela Campbell

Policy Revision 2 (September 2002)  
 PCW Revision May 19, 2005

**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)

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> Compliance History Summary

**Compliance History Notes** Reduction due to high performer classification.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** -10%

**Respondent** City of Buda Economic Development Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 31178 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN105023907  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Pamela Campbell  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 281.25(a)(4)  
**Secondary Rule Cite(s)** 40 Code of Federal Regulations § 122.26(c)  
**Violation Description** Failure to obtain authorization to discharge storm water associated with construction activities to water in the state, as documented during the August 1, 2006 investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		X			Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two monthly events are recommended based on the investigation date of August 1, 2006 to September 9, 2006 (compliance date).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$1,600

This violation Final Assessed Penalty (adjusted for limits) \$1,600

### Economic Benefit Worksheet

Respondent City of Buda Economic Development Corporation  
 Case ID No. 31178  
 Reg. Ent. Reference No. RN105023907  
 Media [Statute] Water Quality  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	01-Aug-2006	09-Sep-2006	0.1	\$1	\$14	\$15
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	\$100	01-Aug-2006	09-Sep-2006	0.1	\$1	n/a	\$1
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to develop and implement a SWP3 and obtain a construction general permit. Date required is the investigation date; final date is the compliance date.

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 \$2,100 TOTAL \$15

## Compliance History

Customer/Respondent/Owner-Operator: CN603081571 CITY OF BUDA ECONOMIC DEVELOPMENT CORPORATION Classification: High Rating: 0.0  
Regulated Entity: RN105023907 CITY OF BUDA ECONOMIC DEVELOPMENT CORPORATION Classification: High Site Rating: 0.0  
BUDA SPORTSPLEX  
ID Number(s):  
Location: FARM-TO-MARKET ROAD 967 & FARM-TO-MARKET ROAD 1626; BUDA HAYS COUNTY REGION 11 - AUSTIN Rating Date: 9/1/2006 Repeat Violator: NO  
TCEQ Region:  
Date Compliance History Prepared: October 3, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 3, 2001 to October 3, 2006  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Pamela Campbell Phone: 512 239-4493

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/31/2006 (509122)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CITY OF BUDA ECONOMIC</b>	<b>§</b>	
<b>DEVELOPMENT CORPORATION</b>	<b>§</b>	
<b>RN105023907</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2006-1721-WQ-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 the City of Buda Economic Development Corporation ("Buda EDC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Buda EDC appear before the Commission and together stipulate that:

1. Buda EDC owns and operates a construction site at the intersection of Farm-to-Market Road 967 and Farm-to-Market Road 1626 in Buda, Hays County, Texas (the "Site").
2. Buda EDC has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Buda EDC agree that the Commission has jurisdiction to enter this Agreed Order, and that Buda EDC is subject to the Commission's jurisdiction.
4. Buda EDC received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Buda EDC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Six Hundred Dollars (\$1,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Three Hundred Twenty Dollars (\$320) is deferred contingent upon Buda EDC'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 Buda EDC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Buda EDC to pay all or part of the deferred penalty. One Thousand Two Hundred Eighty Dollars (\$1,280) shall be conditionally offset by Buda EDC's completion of a Supplemental Environmental Project.

CHIEF CLERKS OFFICE

2007 MAR 23 AM 11:20

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ON ENVIRONMENTAL  
QUALITY

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 Buda EDC 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 Buda EDC submitted a Notice of Intent to discharge storm water to the TCEQ on September 9, 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 Buda EDC 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 Site, Buda EDC is alleged to have failed to obtain authorization to discharge storm water associated with construction activities to water in the state, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26(c), as documented during an investigation conducted on August 1, 2006.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Buda EDC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Buda EDC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Buda Economic Development Corporation, Docket No. 2006-1721-WQ-E" to:



Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Buda EDC shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Thousand Two Hundred Eighty Dollars (\$1,280) of the assessed administrative penalty shall be offset with the condition that Buda EDC implement the SEP defined in Attachment A, incorporated herein by reference. Buda EDC's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Buda EDC. Buda EDC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Buda EDC 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, the City's failure to comply is not a violation of this Agreed Order. Buda EDC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Buda EDC shall notify the Executive Director within seven days after Buda EDC 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 Buda EDC shall be made in writing to the Executive Director. Extensions are not effective until Buda EDC 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 Buda EDC 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 Buda EDC, or three days after the date on which the Commission mails notice of the Order to Buda EDC, 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 is a letter from the author to the editor of the journal. The letter discusses the author's motivation for writing the paper and the importance of the research. The author expresses their hope that the findings will contribute to the field and provide a new perspective on the topic.

2. The second part of the document is the abstract. It provides a concise summary of the research objectives, methods, results, and conclusions. The abstract is designed to be a quick overview of the paper's content, allowing readers to decide if they want to read the full text.

3. The third part of the document is the introduction. It sets the context for the research, reviews the existing literature, and identifies the research gap that the current study aims to address. The introduction also states the research objectives and the structure of the paper.

4. The fourth part of the document is the methodology. It describes the research design, data collection methods, and the statistical or analytical techniques used to analyze the data. This section is crucial for ensuring the transparency and replicability of the research.

5. The fifth part of the document is the results. It presents the findings of the study, often using tables, figures, and graphs to illustrate the data. The results section is where the author shares the specific outcomes of their research, highlighting any significant or unexpected findings.

6. The sixth part of the document is the discussion. It interprets the results, compares them with the existing literature, and discusses the implications of the findings. The author also addresses the limitations of the study and suggests directions for future research.

7. The seventh part of the document is the conclusion. It summarizes the main findings of the study and reiterates the key takeaways. The conclusion provides a clear and concise statement of the research's contribution to the field.

8. The eighth part of the document is the references. It lists all the sources cited in the paper, providing a comprehensive list of the literature that informed the research. This section is essential for academic integrity and for allowing readers to explore the cited works further.

9. The ninth part of the document is the appendix. It contains supplementary information that supports the main text but is too detailed to include in the main body of the paper. This can include raw data, additional figures, or detailed descriptions of the research instruments used.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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



\_\_\_\_\_  
Date

3/11/07

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

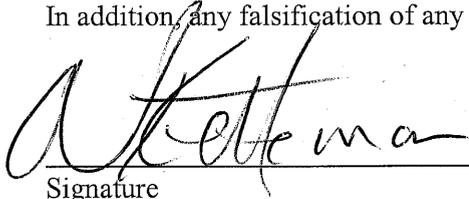
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



11-13-06

Warren Kettman

Executive Director

Name (Printed or typed)  
Authorized Representative of  
City of Buda Economic Development Corporation

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.

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Fifth paragraph of the main body of text.

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Attachment A  
Docket Number: 2006-1721-WQ-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** City of Buda Economic Development Corporation  
**Payable Penalty Amount:** One Thousand Two Hundred Eighty Dollars (\$1,280)  
**SEP Amount:** One Thousand Two Hundred Eighty Dollars (\$1,280)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** The Hill Country Conservancy-Wentzel Tract Project  
**Location of SEP:** Hays County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to The Hill Country Conservancy for the Wentzel Tract project. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between The Hill Country Conservancy and the Texas Commission on Environmental Quality*. SEP monies will be used to help divert water into an 18-acre abandoned quarry. The quarry will then capture and hold the water, so that the water can be absorbed into the Edwards Aquifer that runs beneath the quarry. It is estimated that the quarry could divert up to 275 acre-feet of additional storm water runoff into the Edwards Aquifer.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by allowing for additional water to be absorbed into the recharge zone of the Edwards Aquifer.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

George Cofer, Executive Director  
The Hill Country Conservancy  
3306 Gentry Drive  
Austin, Texas 78746-5507

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the

1. The first part of the document discusses the importance of maintaining accurate records.

2. It is essential to ensure that all data is properly documented and stored.

3. This process helps in identifying trends and anomalies in the data.

4. The second part of the document focuses on the methodology used for data collection.

5. The methodology involves a series of steps to ensure the reliability of the data.

6. These steps include identifying the source of the data and verifying its accuracy.

7. The third part of the document describes the results of the data analysis.

8. The results show a clear correlation between the variables studied.

9. The analysis also highlights the need for further research in this area.

10. In conclusion, the document emphasizes the importance of thorough data analysis.

11. The findings of this study provide valuable insights into the subject matter.

City of Buda Economic Development Corporation  
Agreed Order - Attachment A

TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

