

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1847-PST-E    **TCEQ ID:** RN102484326    **CASE NO.:** 31234  
**RESPONDENT NAME:** Hugh Howard dba Rio Grande Distributors Inc

**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 checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Rio Grande Distributors Inc, 203 East El Paso Street, Marfa, Presidio County

**TYPE OF OPERATION:** Wholesale fuel 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 March 12, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Shontay Wilcher, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-2136; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896

**Respondent:** Mr. Hugh Howard, Owner, Rio Grande Distributors Inc, P.O. Box 996, Marfa, Texas 79843

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 23, 2006</p> <p>Date of NOE Relating to this Case: August 25, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the petroleum storage tank. One significant program violation was observed</p> <p><b>WASTE</b></p> <p>Failure to contain and immediately clean up a spill or overflow, report the spill or overflow to the agency within 24 hours, and begin corrective action. Specifically, various areas of hydrocarbon contamination surrounding the above ground storage tanks were observed at the Facility during the investigation [30 TEX. ADMIN. CODE § 334.75].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$210  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$140 (remaining \$700 due in 7 monthly payments of \$100 each)</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p><b>Ordering Provisions</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, submit an Affected Property Assessment Report, pursuant to 30 TEX. ADMIN. CODE §350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§350.92 and 350.96); financial assurance (30 TEX. ADMIN. CODE §350.33(1)); and Institutional Controls under Subchapter F; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

**TCEQ**

**DATES** Assigned: 05-Sep-2006  
 PCW: 06-Nov-2006 Screening: 14-Sep-2006 EPA Due:

**RESPONDENT/FACILITY INFORMATION**

Respondent: Hugh Howard dba Rio Grande Distributors Inc  
 Reg. Ent. Ref. No.: RN102484326  
 Facility/Site Region: 6-El Paso Major/Minor Source: Minor Source

**CASE INFORMATION**

Enf./Case ID No.: 31234 No. of Violations: 1  
 Docket No.: 2006-1847-PST-E Order Type: 1660  
 Media Program(s): Petroleum Storage Tank Enf. Coordinator: Shontay Wilcher  
 Multi-Media: EC's Team: Order Compliance Team  
 Admin. Penalty \$ Limit Minimum: \$0 Maximum: \$10,000

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1: \$1,000

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 5% Enhancement Subtotals 2, 3, & 7: \$50

Notes: Enhancement for one Notice of Violation with same or similar violations.

**Culpability** No 0% Enhancement Subtotal 4: \$0

Notes: The respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent is not yet in compliance.

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

Total EB Amounts	\$56	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	

**SUM OF SUBTOTALS 1-7** Final Subtotal: \$1,050

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment: \$0

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

Notes:

**Final Penalty Amount**: \$1,050

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty: \$1,050

**DEFERRAL** 20% Reduction Adjustment: -\$210

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

Notes: Deferral recommended for expedited settlement.

**PAYABLE PENALTY**: \$840

<b>Screening Date</b>	14-Sep-2006	<b>Docket No.</b>	2006-1847-PST-E	<b>PCW</b>
<b>Respondent</b>	Hugh Howard dba Rio Grande Distributors Inc		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	31234	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN102484326			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Shontay Wilcher			

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV <sub>s</sub> with same or similar violations as those in the current enforcement action (number of NOV <sub>s</sub> meeting criteria)	1	5%
	Other written NOV <sub>s</sub>	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)		0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2) 5%**

>> Repeat Violator (Subtotal 3)

No  **Adjustment Percentage (Subtotal 3) 0%**

>> Compliance History Person Classification (Subtotal 7)

Average Performer  **Adjustment Percentage (Subtotal 7) 0%**

>> Compliance History Summary

**Compliance History Notes** Enhancement for one Notice of Violation with same or similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%**

**Screening Date** 14-Sep-2006 **Docket No.** 2006-1847-PST-E **PCW**  
**Respondent** Hugh Howard dba Rio Grande Distributors Inc *Policy Revision 2 (September 2002)*  
**Case ID No.** 31234 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102484326  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Shontay Wilcher  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.75  
**Secondary Rule Cite(s)**  
**Violation Description**  
 Failed to contain and immediately clean up a spill or overflow, report the spill or overflow to the agency within 24 hours, and begin corrective action. Specifically, various areas of hydrocarbon contamination surrounding the ASTs were observed at the Facility during the investigation.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

  
**>> Programmatic Matrix**  

Falsification	Major	Moderate	Minor	Percent

  
**Matrix Notes**  
 Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.  
**Adjustment** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**  
**Number of Violation Events** 1  

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

  
**Violation Base Penalty** \$1,000  
 One monthly event is recommended from the August 23, 2006 investigation date to the September 14, 2006 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
<b>Estimated EB Amount</b> \$56	<b>Violation Final Penalty Total</b> \$1,050
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,050	

### Economic Benefit Worksheet

Respondent: Hugh Howard dba Rio Grande Distributors Inc  
 Case ID No: 31234  
 Reg. Ent. Reference No: RN102484326  
 Media [Statute]: Petroleum Storage Tank  
 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				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)	\$1,500	23-Aug-2006	23-May-2007	0.7	\$56	n/a	\$56

Notes for DELAYED costs: Estimated cost to assess and remediate a release. The Date Required is the date when the suspected release was discovered and 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 \$1,500

**TOTAL** \$56



# Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives, scope, and the methodology used to achieve the desired outcomes.

The project is designed to address the challenges faced by the organization in the current market environment, and to provide a strategic framework for future growth and innovation.

The methodology employed in this project is a combination of qualitative and quantitative research methods, including interviews, surveys, and data analysis.

The findings of the project are presented in the following sections, and are intended to provide a clear and concise summary of the key insights and recommendations.

The project is a collaborative effort, and the contributions of all team members are gratefully acknowledged.

The project is a significant milestone in the organization's history, and it is hoped that the findings and recommendations will be of great value to the organization and its stakeholders.

The project is a testament to the organization's commitment to excellence and innovation, and it is a source of pride for all team members.

The project is a testament to the organization's ability to adapt and thrive in a rapidly changing market environment, and it is a source of inspiration for all team members.

The project is a testament to the organization's ability to work together and achieve common goals, and it is a source of inspiration for all team members.

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HUGH HOWARD DBA RIO GRANDE  
DISTRIBUTORS INC  
RN102484326**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1847-PST-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 Hugh Howard dba Rio Grande Distributors Inc ("Mr. Howard") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Howard appear before the Commission and together stipulate that:

1. Mr. Howard owns and operates a wholesale fuel supply facility with four active aboveground storage tanks ("ASTs") at 203 East El Paso Street in Marfa, Presidio County, Texas (the "Facility").
2. Mr. Howard's four ASTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and Mr. Howard agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Howard is subject to the Commission's jurisdiction.
4. Mr. Howard received notice of the violations alleged in Section II ("Allegations") on or about August 30, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Howard of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Fifty Dollars (\$1,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Howard has paid One Hundred Forty Dollars (\$140) of the administrative penalty and Two Hundred Ten Dollars (\$210) is deferred contingent upon Mr. Howard's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Howard fails to timely and satisfactorily comply with all

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requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Howard to pay all or part of the deferred penalty.

The remaining amount of Seven Hundred Dollars (\$700) of the administrative penalty shall be payable in seven monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Howard fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Howard to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Howard to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Howard have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Howard has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, Mr. Howard is alleged to have failed to contain and immediately clean up a spill or overfill, report the spill or overfill to the agency within 24 hours, and begin corrective action, in violation of 30 TEX. ADMIN. CODE § 334.75, as documented during an investigation conducted on August 23, 2006. Specifically, various areas of hydrocarbon contamination surrounding the ASTs were observed at the Facility during the investigation.

## **III. DENIALS**

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



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Howard pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Howard'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: Hugh Howard dba Rio Grande Distributors Inc, Docket No. 2006-1847-PST-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. It is further ordered that Mr. Howard shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit an **Affected Property Assessment Report**, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(1)); and Institutional Controls under Subchapter F.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Howard. Mr. Howard is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Howard fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Howard's failure to comply is not a violation of this Agreed Order. Mr. Howard shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Howard shall notify the Executive Director within seven days after Mr. Howard becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Howard shall be made in writing to the Executive Director. Extensions are not effective until Mr. Howard receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Howard in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order



to Mr. Howard, or three days after the date on which the Commission mails notice of the Order to Mr. Howard, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Chapter 10: The Cell Cycle and Mitosis  
Section 10.1: The Cell Cycle  
Section 10.2: Mitosis  
Section 10.3: Meiosis

The cell cycle is a series of events that lead to the production of two daughter cells from a single parent cell. It is a fundamental process in all living organisms. The cell cycle is divided into two main phases: interphase and mitosis. Interphase is the longest phase of the cell cycle, during which the cell grows and prepares for division. Mitosis is the process of cell division, during which the cell's genetic material is divided into two equal parts.

Interphase consists of three main stages: G<sub>1</sub>, S, and G<sub>2</sub>. During G<sub>1</sub>, the cell grows and carries out its normal functions. During S, the cell's DNA is replicated. During G<sub>2</sub>, the cell grows again and prepares for mitosis. Mitosis is divided into four main stages: prophase, metaphase, anaphase, and telophase. Each stage involves the movement and division of chromosomes.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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



\_\_\_\_\_  
Date

3/15/07

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

Signature

\_\_\_\_\_  
Date

Date

12-12-06

\_\_\_\_\_  
Name (Printed or typed)

Name (Printed or typed)

Authorized Representative of

Hugh Howard dba Rio Grande Distributors Inc

\_\_\_\_\_  
Title

Title

OWNER

**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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