

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2005-1837-MSW-E    **TCEQ ID:** RN104610787    **CASE NO.:** 27148  
**RESPONDENT NAME:** City of Uvalde

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

**SITE WHERE VIOLATION(S) OCCURRED:** Property adjacent to 739 Evans Road, Uvalde, Uvalde County

**TYPE OF OPERATION:** Unauthorized municipal solid waste disposal site

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** A complaint was received on April 26, 2001, alleging that waste was being improperly disposed of at the Site. There is no record of additional pending enforcement actions regarding this facility location.

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on July 31, 2006. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Audra L. Ruble, Enforcement Division, Enforcement Section IV, MC R14, (361) 825-3126; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Mr. James Bard, San Antonio Regional Office, MC R-13, (210) 403-4070

**Respondent:** Mr. Joe Cardenas, Assistant City Manager, City of Uvalde, P.O. Box 799, Uvalde, Texas 78802

The Honorable Josue (George) Garza, Jr., Mayor, City of Uvalde, P.O. Box 799, Uvalde, Texas 78802

**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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> April 26, 2001</p> <p><b>Date of Investigation Relating to this Case:</b> September 22, 2005</p> <p><b>Date of NOE Relating to this Case:</b> October 3, 2005 (NOE)</p> <p><b>Background Facts:</b> This was a routine scheduled investigation for compliance with the municipal solid waste (MSW) program. One significant program violation was observed.</p> <p><b>WASTE</b></p> <p>Allowed dumping of MSW. Specifically, the City of Uvalde allowed the dumping of MSW that included used tires, household waste, and construction and demolition debris [30 TEX. ADMIN. CODE § 330.5(c)].</p>	<p><b>Total Assessed:</b> \$1,050</p> <p><b>Total Deferred:</b> \$210  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$840</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 type="checkbox"/> High <input checked="" 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>Ordering Provisions</b></p> <p>The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, cease to cause, suffer, allow or permit any MSW to be stored, processed, or disposed of in violation of 30 TEX. ADMIN. CODE § 330.5 (relating to General Prohibition);</p> <p>b) Within 60 days after the effective date of this Agreed Order, conduct an investigation to determine the lateral and vertical extent of the unauthorized waste disposed of at the Site, specifically the extent of wastes that have been buried in the subsurface; and</p> <p>c) Within 180 days after the effective date of this Agreed Order, submit written certification that all wastes have been removed from the Site.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	10-Oct-2005	<b>Screening</b>	19-Oct-2005	<b>EPA Due</b>	
	<b>PCW</b>	04-Nov-2005				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Uvalde		
<b>Reg. Ent. Ref. No.</b>	RN104610787		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	27148	<b>No. of Violations</b>	1
<b>Docket No.</b>	2005-1837-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Enf. Coordinator</b>	Audra L. Ruble
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History** **5% Enhancement** **Subtotals 2, 3, & 7**

**Notes**

**Culpability** **0% Enhancement** **Subtotal 4**

**Notes**

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

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

**Notes**

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

<b>Total EB Amounts</b>	<input type="text" value="\$2,681"/>	<i>*Capped at the Total EB \$ Amount</i>
<b>Approx. Cost of Compliance</b>	<input type="text" value="\$10,000"/>	

**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** **20% Reduction** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

**Screening Date** 19-Oct-2005 **Docket No.** 2005-1837-MSW-E **PCW**  
**Respondent** City of Uvalde *Policy Revision 2 (September 2002)*  
**Case ID No.** 27148 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104610787  
**Media [Statute]** Municipal Solid Waste  
**Enf. Coordinator** Audra L. Ruble

**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>	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%
<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)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent has received one NOV for the same violation in the last 5 years.

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

**Screening Date** 19-Oct-2005

**Docket No.** 2005-1837-MSW-E

**PCW**

**Respondent** City of Uvalde

*Policy Revision 2 (September 2002)*

**Case ID No.** 27148

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN104610787

**Media [Statute]** Municipal Solid Waste

**Enf. Coordinator** Audra L. Ruble

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

The Respondent allowed dumping of municipal solid waste without written authorization of the Commission. Specifically, during an investigation conducted on September 22, 2005, it was observed that the Respondent had allowed various wastes to be disposed of on the property, including used tires, household waste, and construction and demolition debris.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**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** City of Uvalde  
**Case ID No.** 27148  
**Reg. Ent. Reference No.** RN104610787  
**Media [Statute]** Municipal Solid Waste  
**Violation No.** 1

<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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$10,000	23-May-2001	01-Oct-2006	5.4	\$2,681	n/a	\$2,681
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to remove and properly dispose of the unauthorized waste on the property. Date required is when the violation was first documented and final date is when compliance is expected to be achieved.

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 \$10,000

**TOTAL** \$2,681

## Compliance History

Customer/Respondent/Owner-Operator:	CN600648455    City of Uvalde	Classification: AVERAGE	Rating: 1.20
Regulated Entity:	RN104610787    ADJACENT TO 739 EVANS RD	Classification: HIGH	Site Rating: 0.00
ID Number(s):	_____		
Location:	ADJACENT TO 739 EVANS RD	Rating Date: 9/1/2005 Repeat Violator: NO	
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	October 19, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 19, 2000 to October 19, 2005		

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

Name: Audra Ruble Phone: 361-825-3126

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
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 | 10/03/2005 | (432489) |  |
| 2 | 09/20/2005 | (432377) |  |
| 3 | 09/15/2005 | (431724) |  |
| 4 | 09/23/2005 | (432431) |  |
| 5 | 09/23/2005 | (432459) |  |
| 6 | 05/24/2005 | (392871) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 06/07/2001      (431564)
- Self Report? NO      Classification: Major
- Citation:      30 TAC Chapter 330, SubChapter A 330.4(a)
- Description: At the time of the investigation a significant quantity of municipal solid waste (used tires, brush, household waste, construction & demolition debris) was noted.
- 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  
CITY OF UVALDE  
RN104610787**

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

## **AGREED ORDER DOCKET NO. 2005-1837-MSW-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 Uvalde under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the City of Uvalde appear before the Commission and together stipulate that:

1. The City of Uvalde owns an unauthorized municipal solid waste disposal site located adjacent to 739 Evans Road in Uvalde, Uvalde County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the City of Uvalde agree that the Commission has jurisdiction to enter this Agreed Order, and that the City of Uvalde is subject to the Commission's jurisdiction.
4. The City of Uvalde received notice of the violations alleged in Section II ("Allegations") on or about October 8, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of Uvalde 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"). The City of Uvalde has paid Eight Hundred Forty Dollars (\$840) of the administrative penalty and Two Hundred Ten Dollars (\$210) is deferred contingent upon the City of Uvalde'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 the City of Uvalde fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City of Uvalde to pay all or part of the deferred penalty.



7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City of Uvalde 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 the City of Uvalde 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 Site, the City of Uvalde is alleged to have allowed dumping of municipal solid waste, in violation of 30 TEX. ADMIN. CODE § 330.5(c), as documented during an investigation conducted on September 22, 2005. Specifically, the City of Uvalde allowed the dumping of municipal solid waste that included used tires, household waste, and construction and demolition debris.

## **III. DENIALS**

The City of Uvalde generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the City of Uvalde pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City of Uvalde'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 Uvalde, Docket No. 2005-1837-MSW-E" to:

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential 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 and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in establishing a strong data culture. It emphasizes that clear policies and standards are necessary to ensure data is managed consistently across the organization.

6. The sixth part of the document explores the future of data management, including emerging trends like artificial intelligence and big data. It suggests that organizations should stay updated on these developments to leverage new opportunities for growth and innovation.

7. The seventh part of the document provides a summary of the key points discussed and offers recommendations for further action. It encourages organizations to regularly review and update their data management practices to remain competitive in a rapidly changing market.

8. The eighth part of the document concludes with a final statement on the value of data and the importance of a data-driven approach. It reiterates that data is a critical asset that, when managed properly, can provide significant insights and drive organizational success.

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 the City of Uvalde shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, cease to cause, suffer, allow, or permit any municipal solid waste to be stored, processed, or disposed of in violation of 30 TEX. ADMIN. CODE § 330.5 (relating to General Prohibitions);
  - b. Within 60 days after the effective date of this Agreed Order, conduct an investigation to determine the lateral and vertical extent of the unauthorized waste disposed of at the Site, specifically the extent of wastes that have been buried in the subsurface; and
  - c. Within 180 days after the effective date of this Agreed Order, submit written certification that all wastes have been removed from the Site.

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 should be submitted to:

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

with a copy to:

Waste Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480



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

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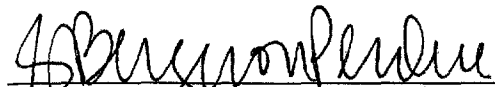
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



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

7/9/06

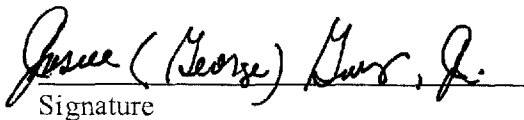
\_\_\_\_\_  
Date

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

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

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

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

  
Signature

May 22, 2006  
Date

Josue (George) Garza, Jr.  
Name (Printed or typed)  
Authorized Representative of  
City of Uvalde

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Section at the address in Section IV, Paragraph 1 of this Agre

Administration Division, Revenues  
ed Order.

*John (1940) 11-18*

*1940-1941*

*1942*