EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1965-MWD-E **TCEQ ID:** RN102343126 **CASE NO.:** 31719

RESPONDENT NAME: Aqua Development, Inc. dba Wilson Road Properties, Ltd.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Wilson Road Properties, Ltd., approximately 3,000 feet west by southwest from the intersection of Wilson Road and Atascocita Road, thence 2,500 feet south in the plant property between Garners Bayou and Atascocita Road, approximately 8,000 feet south of Lakeland School, Harris County

TYPE OF OPERATION: Domestic water system

SMALL BUSINESS: ___ Yes __X__ 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 April 2, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Section II, MC 219, (512) 239-2134; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Robert L. Laughman, President, Aqua Development, Inc., 111000 Brittmoor Park Drive, Houston, Texas 77041

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** October 4, 2006 **Date of NOE Relating to this Case:** October 27, 2006 (NOE) **Background Facts:** This was a routine record review of self-reported discharge monitoring reports. One violation was documented. **WATER** Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollution Discharge Elimination System ("TPDES") Permit No. 13870001, Effluent Limitations and Monitoring Requirements, No. 1 for Outfall 001A, and TEXAS WATER CODE § 26.121(a)].	**Total Assessed:** $1,120 **Total Deferred:** $224 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $896 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Aqua Development has implemented the following corrective measures at the Facility: a. On October 17, 2005, a contractor cleared the return activated sludge line; b. On October 27, 2005, the Facility was re-seeded by adding mixed liquor suspended solids which were purchased from another facility to assist with aeration; and c. Achieved compliance with its permitted Total Ammonia Nitrogen limit in November 2005.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 10, 2005*

DATES					
Assigned	06-Nov-2006				
PCW	22-Nov-2006	Screening	07-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Aqua Development, Inc. dba Wilson Road Properties, Ltd.		
Reg. Ent. Ref. No.	RN102343126		
Facility/Site Region	12 - Houston	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31719	No. of Violations	1
Docket No.	2006-1965-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Suzanne Walrath
Multi-Media		EC's Team	Enforcement Team 4
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 37% Enhancement *Subtotals 2, 3, & 7* $370

Notes: A 37% enhancement is recommended for having seven self reported effluent violations and one non-similar NOV within the last five years.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet culpability criteria.

Good Faith Effort to Comply 25% Reduction *Subtotal 5* -$250

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

Notes: The respondent has achieved compliance. Facility repairs and adjustments were completed by 10/27/05, and the company achieved compliance with its permitted Total Ammonia Nitrogen limit before the Notice of Enforcement was issued.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$31
Approx. Cost of Compliance	$1,800

SUM OF SUBTOTALS 1-7 Final Subtotal $1,120

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 $1,120

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $1,120

DEFERRAL 20% Reduction Adjustment -$224

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $896

Screening Date 07-Nov-2006 **Docket No.** 2006-1965-MWD-E **PCW**

Respondent Aqua Development, Inc. dba Wilson Road Properties, Ltd. *Policy Revision 2 (September 2002)*

Case ID No. 31719 *PCW Revision May 10, 2005*

Reg. Ent. Reference No. RN102343126

Media [Statute] Water Quality

Enf. Coordinator Suzanne Walrath

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 *(number of NOVs meeting criteria)*	7	35%
	Other written NOVs	1	2%
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	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%
		Please Enter Yes or No	
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) **37%**

>> 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 A 37% enhancement is recommended for having seven self reported effluent violations and one non-similar NOV within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **37%**

PCW

Policy Revision 2 (September 2002)
PCW Revision May 10, 2005

Screening Date 07-Nov-2006 **Docket No.** 2006-1965-MWD-E
Respondent Aqua Development, Inc. dba Wilson Road Properties, Ltd.
Case ID No. 31719
Reg. Ent. Reference No. RN102343126
Media [Statute] Water Quality
Enf. Coordinator Suzanne Walrath

Violation Number 1

Primary Rule Cite(s) 30 TAC § 305.125(1), TPDES Permit No. 13870001 Effluent Limitations and Monitoring Requirements, No. 1 for Outfall 001, and Texas Water Code § 26.121(a)

Secondary Rule Cite(s)

Violation Description Failure to comply with the permitted effluent limits as documented during a record review conducted on October 4, 2006. See attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was used to evaluate Total Ammonia Nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and $CBOD_5$ reported values were also considered. As a result of these discharges, 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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one
use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended for outfall 001.

Economic Benefit (EB) for this violation

Estimated EB Amount $31

Statutory Limit Test

Violation Final Penalty Total $1,120

This violation Final Assessed Penalty (adjusted for limits) $1,120

Economic Benefit Worksheet

Respondent: Aqua Development, Inc. dba Wilson Road Properties, Ltd.
Case ID No.: 31719
Reg. Ent. Reference No.: RN102343126
Media [Statute]: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,800	01-Sep-2005	30-Nov-2005	0.2	$1	$30	$31
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The date required is the date the noncompliances started and the final date is the date compliance was 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: $1,800

TOTAL: $31

Aqua Development Company dba Wilson Road Properties, Ltd.
Attachment 1 - Docket No. 2006-1965-MWD-E

Effluent Violation Chart **ID Number(s): TPDES Permit No. 13870001** **Enforcement Case No. 31719**		
Month	Total Ammonia Nitrogen, Daily Average Permitted Limit = 4 milligrams per liter ("mg/L")	Single Grab Ammonia Nitrogen Permitted Limit - 15 mg/L
09/2005	7.05 mg/L	18.4 mg/L
10/2005	7.77 mg/L	24.0 mg/L

Compliance History

Customer/Respondent/Owner-Operator:	CN600789705	Aqua Development, Inc.	Classification: AVERAGE	Rating: 1.71
Regulated Entity:	RN102343126	WILSON ROAD PROPERTIES, LTD.	Classification: AVERAGE	Site Rating: 0.44

ID Number(s):	WASTEWATER	PERMIT	WQ0013870001
	WASTEWATER	PERMIT	TPDES0119067

Location: Located approximately 3,000 feet west by southwest from the intersection of Wilson Road and Atascocita Road, thence 2,500 feet south in the plant property between Garners Bayou and Atascocita Road, approximately 8,000 feet south of Lakeland School, Harris County, Texas

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Suzanne Walrath Phone: 512/239-2134

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	03/26/2003	(28854)
2	01/24/2003	(234521)
3	10/31/2006	(515269)
4	12/30/2002	(234520)
5	11/21/2002	(234519)
6	10/21/2002	(234518)
7	09/25/2002	(234517)
8	07/24/2006	(528562)
9	08/22/2002	(234516)
10	08/31/2006	(528563)
11	07/25/2002	(234515)
12	09/25/2006	(528564)
13	04/24/2003	(234514)
14	02/24/2003	(234513)
15	03/18/2004	(327429)
16	02/22/2006	(492583)
17	03/25/2003	(327430)
18	03/20/2006	(492584)
19	04/13/2004	(327431)
20	10/24/2005	(492585)
21	05/23/2003	(327432)
22	06/23/2003	(327433)
23	07/22/2005	(447606)
24	11/29/2005	(492586)
25	09/05/2003	(327434)
26	09/02/2005	(447607)
27	09/23/2005	(447608)
28	10/03/2003	(327435)
29	12/20/2005	(492587)
30	03/22/2005	(390064)
31	10/20/2003	(327436)
32	01/23/2006	(492588)
33	03/22/2005	(390065)

34 12/01/2003 (327437)
35 02/16/2005 (390066)
36 01/20/2004 (327438)
37 02/16/2005 (390067)
38 02/20/2004 (327439)
39 09/23/2004 (390068)
40 11/22/2004 (390069)
41 12/20/2004 (390070)
42 04/19/2005 (427571)
43 05/23/2005 (427572)
44 06/23/2005 (427573)
45 08/25/2006 (510268)
46 04/24/2006 (506324)
47 05/23/2006 (506325)
48 06/21/2006 (506326)
49 02/22/2005 (346625)
50 04/30/2004 (367064)
51 05/28/2004 (367065)
52 09/07/2004 (367066)
53 10/20/2004 (367067)

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

Date: 12/31/2002 (234521)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2002 (234520)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/03/2003 (234513)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/21/2006 (510268)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 09/30/2005 (492585)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (327434)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (492586)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (427573)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
AQUA DEVELOPMENT, INC. DBA	§	**TEXAS COMMISSION ON**
WILSON ROAD PROPERTIES, LTD.	§	
RN102343126	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1965-MWD-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 Aqua Development, Inc. dba Wilson Road Properties, Ltd. ("Aqua Development") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Aqua Development, appear before the Commission and together stipulate that:

1. Aqua Development owns and operates a domestic water system located approximately 3,000 feet west by southwest from the intersection of Wilson Road and Atascocita Road, thence 2,500 feet south in the plant property between Garners Bayou and Atascocita Road, approximately 8,000 feet south of Lakeland School, Harris County, Texas (the "Facility").

2. Aqua Development has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and Aqua Development agree that the Commission has jurisdiction to enter this Agreed Order, and that Aqua Development is subject to the Commission's jurisdiction.

4. Aqua Development received notice of the violations alleged in Section II ("Allegations") on or about November 1, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Aqua Development of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand One Hundred Twenty Dollars ($1,120) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Aqua Development has paid Eight Hundred Ninety-Six Dollars ($896) of the administrative penalty and Two Hundred Twenty-Four Dollars ($224) is deferred contingent upon Aqua Development'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 Aqua Development fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Aqua Development 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 Aqua Development 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 Aqua Development has implemented the following corrective measures at the Facility:

   a. On October 17, 2005, a contractor cleared the return activated sludge line;

   b. On October 27, 2005, the Facility was re-seeded by adding mixed liquor suspended solids which were purchased from another facility to assist with aeration; and

   c. Achieved compliance with its permitted Total Ammonia Nitrogen limit in November 2005.

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 Aqua Development 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 Facility, Aqua Development is alleged to have failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollution Discharge Elimination System ("TPDES") Permit No. 13870001, Effluent Limitations and Monitoring Requirements, No. 1 for Outfall 001A, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on October 4, 2006 and shown in the following table:

Effluent Violation Chart ID Number(s): TPDES Permit No. 13870001 Enforcement Case No. 31719		
Month	Total Ammonia Nitrogen, Daily Average Permitted Limit = 4 milligrams per liter ("mg/L")	Single Grab Ammonia Nitrogen Permitted Limit - 15 mg/L
09/2005	7.05 mg/L	18.4 mg/L
10/2005	7.77 mg/L	24.0 mg/L

III. DENIALS

Aqua Development generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Aqua Development pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Aqua Development'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: Aqua Development, Inc. dba Wilson Road Properties, Ltd., Docket No. 2006-1965-MWD-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. The provisions of this Agreed Order shall apply to and be binding upon Aqua Development. Aqua Development 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.

3. This Agreed Order, issued by the Commission, shall not be admissible against Aqua Development 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.

4. 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Aqua Development, or three days after the date on which the Commission mails notice of the Order to Aqua Development, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 5/21/07
For the Executive Director 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.

Robert L. Laughman JAN. 26, 2007
Signature Date

AB Robert L. Laughman PRESIDENT
Name (Printed or typed) Title
Authorized Representative of
Aqua Development, Inc. dba Wilson Road Properties, Ltd.

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.