

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2032-AIR-E **TCEQ ID:** RN102547494 **CASE NO.:** 31789

RESPONDENT NAME: Glasscock County Co-Op

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Glasscock County Gin, 300 County Road Co-Op, Glasscock County</p> <p>TYPE OF OPERATION: Cotton gin</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, DFW Regional Office, R-04, (817) 588-5886; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. B. J. Havlak, General Manager, Glasscock County Co-Op, 300 CR Co-Op, Garden City, Texas 79739 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

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: October 26, 2006</p> <p>Date of NOE Relating to this Case: November 1, 2006(NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to comply with the emission limits of 60.45 tons per year (tpy) of particulate matter. Specifically, the respondent emitted 66.19 tpy of particulate matter during the 2005-2006 ginning season [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and § 116.115(c), New Source Permit No. 24036, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$1,000</p> <p>Total Deferred: \$200 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$800</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Glasscock County submitted a permit amendment on October 10, 2006 and began operating the cotton gin in compliance with New Source Permit No. 24036.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, begin operating the cotton gin in compliance with New Source Permit No. 24036; and</p> <p>b) Within 15 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 No. 2.a.</p> |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

| | | | | | | |
|--------------|-----------------|------------|------------------|-------------|----------------|--|
| DATES | Assigned | 6-Nov-2006 | Screening | 21-Nov-2006 | EPA Due | |
| | PCW | 6-Dec-2006 | | | | |

| | |
|--|------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Glasscock County Co-Op |
| Reg. Ent. Ref. No. | RN102547494 |
| Facility/Site Region | 7-Midland |
| Major/Minor Source | Minor |

| | | | | |
|--------------------------|----------------------|--------------------------|-------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 31789 | No. of Violations | 1 | |
| Docket No. | 2006-2032-AIR-E | Order Type | 1660 | |
| Media Program(s) | Air Quality | Enf. Coordinator | Cheryl Thompson | |
| Multi-Media | | EC's Team | EnforcementTeam 4 | |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum | \$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 0% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

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

Before NOV NOV to EDRP/Settlement Offer

| | | |
|---------------|----------------------|----------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | X | (mark with x) |

Notes

Subtotal 6
Total EB Amounts *0% Enhancement*
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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 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 21-Nov-2006

Docket No. 2006-2032-AIR-E

PCW

Respondent Glasscock County Co-Op

Policy Revision 2 (September 2002)

Case ID No. 31789

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102547494

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria) | 0 | 0% |
| | Other written NOV's | 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 | 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 submitted) | 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) 0%

>> 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

No previous violations for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 21-Nov-2006

Docket No. 2006-2032-AIR-E

PCW

Respondent Glasscock County Co-Op

Policy Revision 2 (September 2002)

Case ID No. 31789

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102547494

Media [Statute] Air Quality

Enf. Coordinator Cheryl Thompson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and 116.115(c); Texas Health & Safety Code § 382.085(b) and New Source Permit No. 24036

Violation Description Failed to comply with the emission limits of 60.45 tons per year (tpy) of particulate matter. Specifically, Glasscock County Co-Op emitted 66.19 tpy of particulate matter during the 2005-2006 ginning season.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|----------------------|----------------------|---|
| | Major | Moderate | Minor |
| Actual | <input type="text"/> | <input type="text"/> | <input checked="" type="text" value="X"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

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 the environment.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input checked="" type="text" value="X"/> |
| single event | <input type="text"/> |

Violation Base Penalty

One annual event is recommended.

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 Glasscock County Co-Op
Case ID No. 31789
Reg. Ent. Reference No. RN102547494
Media Air 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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

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 | \$2,500 | 26-Oct-2006 | 31-Jul-2007 | 0.8 | \$95 | n/a | \$95 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to submit a permit amendment. Date required is the date of inspection and the final date is the projected 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

\$2,500

TOTAL

\$95

Compliance History

Customer/Respondent/Owner-Operator: CN600741649 Glasscock County Co-Op Classification: AVERAGE Rating: 1.00
 Regulated Entity: RN102547494 GLASSCOCK COUNTY GIN Classification: HIGH Site Rating: 0.00

ID Number(s): AIR NEW SOURCE PERMITS PERMIT 24036
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER GE00430
 AIR NEW SOURCE PERMITS PERMIT 50444
 AIR NEW SOURCE PERMITS REGISTRATION 75026
 Location: 300 COUNTY ROAD COOP, GARDEN CITY, TX, 79739 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 07 - MIDLAND
 Date Compliance History Prepared: December 05, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: December 05, 2001 to December 05, 2006

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

Name: Cheryl Thompson Phone: (817)588-5886

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | 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 11/01/2006 (517560)
 - 2 04/05/2004 (267942)
 - 3 12/04/2006 (532886)
- 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

Dear Sirs,

I have the pleasure to inform you that your application for the position of [Job Title] has been reviewed and we are pleased to offer you the position.

The terms and conditions of your employment are set out in the attached letter of appointment. Please sign and return the letter to the HR Department by [Date].

We are pleased to welcome you to the team and we look forward to your contribution to the organization.

Yours faithfully,
[Name of HR Representative]

[Name of HR Representative]
[Title]
[Company Name]

Enclosed for you are the following documents:
- Letter of Appointment
- Employee Handbook
- Terms and Conditions of Employment

Please contact the HR Department if you have any queries regarding your appointment.

Thank you for your interest in joining our organization.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GLASSCOCK COUNTY CO-OP
RN102547494

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-2032-AIR-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 Glasscock County Co-Op ("Glasscock County") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Glasscock County appear before the Commission and together stipulate that:

1. Glasscock County owns and operates a cotton gin at 300 County Road Coop in Glasscock County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
3. The Commission and Glasscock County agree that the Commission has jurisdiction to enter this Agreed Order, and that Glasscock County is subject to the Commission's jurisdiction.
4. Glasscock County received notice of the violations alleged in Section II ("Allegations") on or about November 6, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Glasscock County of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Dollars (\$1,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Glasscock County has paid Eight Hundred Dollars (\$800) of the administrative penalty and Two Hundred Dollars (\$200) is deferred contingent upon Glasscock County'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 Glasscock County fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Glasscock County 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 Glasscock County 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 Glasscock County submitted a permit amendment on October 10, 2006 and began operating the cotton gin in compliance with New Source Permit No. 24036.
 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 Glasscock County 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 Plant, Glasscock County is alleged to have failed to comply with the emission limits of 60.45 tons per year (tpy) of particulate matter, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c); TEXAS HEALTH & SAFETY CODE § 382.085(b) and New Source Permit No. 24036, as documented during an investigation conducted on October 26, 2006. Specifically, Glasscock County emitted 66.19 tpy of particulate matter during the 2005-2006 ginning season.

III. DENIALS

Glasscock County generally denies each allegation in Section II ("Allegations").

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and the public, have a right to know how their money is being managed. This requires the implementation of robust internal controls and the disclosure of relevant information in a clear and concise manner.

The second part of the document focuses on the challenges faced by organizations in the current economic environment. It notes that increased competition and changing market conditions have led to a need for more efficient operations and cost management. The text suggests that organizations should invest in technology and training to improve their performance and maintain a competitive edge.

Finally, the document concludes by reiterating the importance of ethical conduct in all business dealings. It stresses that ethical behavior is not only a moral imperative but also a key factor in building trust and long-term success. Organizations should establish a strong ethical culture and ensure that all employees are held accountable for their actions.

The document also includes a section on the role of government in regulating the financial system. It discusses the need for effective legislation and enforcement to protect the interests of consumers and investors. The text mentions the importance of international cooperation in addressing global financial issues and the need for harmonized standards and practices.

In conclusion, the document provides a comprehensive overview of the key issues facing the financial system. It offers practical recommendations for organizations and policymakers to address these challenges and ensure the stability and integrity of the financial system. The document is intended to serve as a guide for anyone involved in financial management or policy-making.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Glasscock County pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Glasscock County'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: Glasscock County Co-Op, Docket No. 2006-2032-AIR-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 Glasscock County shall undertake the following technical requirements:
 - a. Immediately upon the effective date of the this Agreed Order, continue operating the cotton gin in compliance with New Source Permit No. 24036; and
 - b. Within 15 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:

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

with a copy to:

Manager, Air Quality Section
Midland Regional Office
Texas Commission on Environmental Quality
3300 North A Street, Building 4, Suite 107
Midland, Texas 79705-5404

3. The provisions of this Agreed Order shall apply to and be binding upon Glasscock County. Glasscock County is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Glasscock County 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, Glasscock County's failure to comply is not a violation of this Agreed Order. Glasscock County shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Glasscock County shall notify the Executive Director within seven days after Glasscock County 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 Glasscock County shall be made in writing to the Executive Director. Extensions are not effective until Glasscock County 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 Glasscock County 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 Glasscock County, or three days after the date on which the Commission mails notice of the Order to Glasscock County, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

...the ... of ...

Glasscock County Co-Op
DOCKET NO. 2006-2032-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/21/07
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.

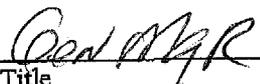


Signature

2/20/07
Date

B. J. HAVIAK

Name (Printed or typed)
Authorized Representative of
Glasscock County Co-Op



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.

