

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**      **Page 1 of 2**  
**DOCKET NO.: 2006-0110-EAQ-E**      **TCEQ ID: RN102734126**      **CASE NO.: 28192**  
**RESPONDENT NAME: WINSTON CONSTRUCTION, INC.**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input 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 checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 7870 Ranch Road 12, Hays County</p> <p><b>TYPE OF OPERATION:</b> Dance hall and restaurant</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 19, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500     Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Mr. Ruben Soto, Enforcement Division, MC 169, (512) 239-4571  TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929  Respondent: Mr. Terry Winston, Sr., President, Winston Construction, Inc., 9315 RR 12, Wimberly, Texas 78767  Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b>                      November 1, 2005</p> <p><b>Date of NOE Relating to this Case:</b> January 6, 2006 (NOE)</p> <p><b>Background Facts:</b> An EDPRP was filed on June 2, 2006. A signed Agreed Order was received on January 30, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>EAQ:</b></p> <p>Failed to obtain Executive Director approval of a modified Edward's Aquifer Protection Plan (EAPP) prior to commencing any regulated activity on approximately 4.34 acres of land located on the Edwards Aquifer Recharge Zone [ 30 TEX. ADMIN. CODE § 213.4(a)(1)].</p>	<p><b>Total Assessed:</b> \$3,000</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,000</p> <p>The Respondent has paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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 Provision(s)</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, cease all unapproved activity at the Site, including use of the portion of the parking lot which has not been previously approved by an EAPP, until such time as modified EAPP has been reviewed and approved by the TCEQ Austin Regional Office.</li> <li>2. Within 30 days:                         <ol style="list-style-type: none"> <li>a. Stabilize the soil at the Site such that contaminated run-off is prevented; and</li> <li>b. Submit an administratively complete EAPP including the associated application fee for the Site.</li> </ol> </li> <li>3. Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing; and</li> <li>4. Within 45 days, submit written certification notarized by a State of Texas Notary Public and include detailed supporting documentation including photographs, receipts, and or other records to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b.</li> </ol>



Policy Revision 2 (September 2002)

of case docs\070313\Winston Construction, Inc - EAQ\PCW.dwg  
**Penalty Calculation Worksheet (PCW)**

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	17-Jan-2006	<b>Screening</b>	31-Jan-2006	<b>EPA Due</b>	
	<b>PCW</b>	10-May-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Winston Construction, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102734126		
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	28192	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-0110-EAQ-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Edwards Aquifer	<b>Enf. Coordinator</b>	Ruben Soto
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,000</b>
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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**Notes** No enhancement due to Average Performer classification.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes** Respondent does not meet culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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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.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Approx. Cost of Compliance **\$3,000**

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$3,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** **\$3,000**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$3,000</b>
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<b>DEFERRAL</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Not an expedited case, therefore, a deferral is not recommended.

<b>PAYABLE PENALTY</b>	<b>\$3,000</b>
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Screening Date

31-Jan-2006 of case docs\070313\Winston Construction, Inc.-EAQ\PCW.qpw

Docket No. 2006-0110-EAQ-E

PCW

Respondent Winston Construction, Inc.

Policy Revision 2 (September 2002)

Case ID No. 28192

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102734126

Media [Statute] Edwards Aquifer

Enf. Coordinator Ruben Soto

**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)	0	0%
	Other written NOVs	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 disclosed)	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%
Other	<i>Please Enter Yes or No</i>		
	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 enhancement due to Average Performer classification.

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

**Screening Date** 31-Jan-2006  
**Respondent** Winston Construction, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 28192 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102734126  
**Media [Statute]** Edwards Aquifer  
**Enf. Coordinator** Ruben Soto  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 213.4(a)(1)  
**Secondary Rule Cite(s)**  
**Violation Description** Failed to obtain Executive Director approval of a modified Edwards Aquifer Protection Plan prior to the commencing of any regulated activity on approximately 4.34 acres located on the Edwards Aquifer Recharge Zone. Specifically, it was determined that the parking/fill area was approximately 4.8 times larger than was approved in the Water Pollution Abatement Plan, as documented during an investigation conducted on November 1, 2005.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

**Violation Events**

Number of Violation Events 3

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

Violation Base Penalty \$3,000

Three monthly events are recommended from date of investigation (November 1, 2005) to date of screening (January 31, 2006).

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount \$138

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

### Economic Benefit Worksheet

Respondent Winston Construction, Inc.  
 Case ID No. 28192  
 Reg. Ent. Reference No. RN102734126  
 Media [Statute] Edwards Aquifer  
 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	\$3,000	30-Nov-2005	31-Oct-2006	0.9	\$138	n/a	\$138
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost for submitting a plan modification to protect the Edwards Aquifer. Date required is the date of investigation. Final date is the expected 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 \$3,000

**TOTAL** \$138



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF  
AN ENFORCEMENT ACTION  
AGAINST WINSTON  
CONSTRUCTION, INC.;  
RN102734126

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-0110-EAQ-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Winston Construction, Inc. ("Winston") under the authority of TEX. WATER CODE chs. 7 and 26; and 30 TEX. ADMIN. CODE ch. 213. The Executive Director of the TCEQ, represented by the Litigation Division, and Winston, represented by Mr. Michael A. Gershon of the law firm of Lloyd Gosselink Blevins Rochelle & Townsend, appear before the Commission and together stipulate that:

1. Winston owns a dance hall and restaurant located within the Edwards Aquifer recharge zone, at 7870 Ranch Road 12, Hays County, Texas (the "Site"). The Site is regulated under the Edwards Aquifer rules and is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of the TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Winston agree that the Commission has jurisdiction to enter this Agreed Order, and that Winston is subject to the Commission's jurisdiction.
4. Winston received notice of the violation alleged in Section II ("Allegations") on or about January 11, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Winston of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand dollars (\$3,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Winston has paid three thousand dollars (\$3,000.00) of the administrative 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 Winston 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 Winston 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

Winston, as owner of the Site, is alleged to have violated 30 TEX. ADMIN. CODE § 213.4(a)(1), by failing to obtain Executive Director approval of a modified Edwards Aquifer Protection Plan (EAPP) prior to commencing any regulated activity on approximately 4.34 acres of land located on the Edwards Aquifer Recharge Zone, as documented by an Austin Regional Office investigator during an inspection conducted on November 1, 2005.

## III. DENIALS

Winston generally denies the allegation in Section II ("Allegations").

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Winston pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of the administrative penalty and Winston's compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. 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 sent with the notation "Re: Winston Construction, Inc.; Docket No. 2006-0110-EAQ-E" to:

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

2. Winston shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Winston shall cease all unapproved activity at the Site, including use of that portion of the parking lot which has not been previously approved by an EAPP, until such time as a modified EAPP has been reviewed and approved by the TCEQ Austin Regional Office.
  - b. Within 30 days after the effective date of this Agreed Order, Winston shall:
    - i. Stabilize the soil at the Site such that contaminated run-off is prevented; and
    - ii. Submit an administratively complete EAPP including the associated application fee for the Site to:

Edwards Aquifer Protection Program  
Austin Regional Office  
Texas Commission on Environmental Quality  
1921 Cedar Bend Drive, Suite A150  
Austin, Texas 78758-5327

- c. Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests, or by any other deadline specified in writing; and

- d. Within 45 days after the effective date of this Agreed Order, Winston shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.

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 149  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Ms. Carolyn Runyon, Water Section Manager  
Austin Regional Office  
Texas Commission on Environmental Quality  
1921 Cedar Bend Drive, Suite A150  
Austin, Texas 78758-5327

3. The provisions of this Agreed Order shall apply to and be binding upon Winston. Winston 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 Winston 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, Winston's failure to comply is not a violation of this Agreed Order. Winston shall have the burden of establishing to the Executive Director's satisfaction that

such an event has occurred. Winston shall notify the Executive Director within seven days after Winston 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 Winston shall be made in writing to the Executive Director. Extensions are not effective until Winston 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 Winston 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Winston, or three days after the date on which the Commission mails notice of the Order to Winston, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Winston Construction, Inc.  
Docket No. 2006-0110-EAQ-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission  
*Goberger Penline*  
For the Executive Director

4/16/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 Winston's failure to comply with the Ordering Provisions, if any, in this order and/or Winston's failure to timely pay the penalty amount, may result in:

- A negative impact on Winston's compliance history;
- Greater scrutiny of any permit applications submitted by Winston;
- 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 Winston;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Winston; and
- TCEQ seeking other relief as authorized by law.

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

*Terry Winston*  
Signature

Terry Winston  
Name (Printed or typed)  
Authorized Representative of  
Winston Construction, Inc.

1-28-07  
Date  
President  
Title  
1-28-07