

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1806-LII-E **TCEQ ID:** RN103660445 **CASE NO.:** 31434  
**RESPONDENT NAME:** Dustin L. Turner

<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 checked="" 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 306 Navajo Trail, Lake Kiowa, Cooke County</p> <p><b>TYPE OF OPERATION:</b> Landscape irrigation</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on September 25, 2005, alleging the Respondent was conducting business as a licensed irrigator, although his license is expired. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>TCEQ Field Investigator:</b> Mr. Richard Allen, Austin Regional Office, MC R-11, (512) 339-2929  <b>Respondent:</b> Mr. Dustin L. Turner, Owner, P.O. Box 1542, Gainsville, Texas 76241  <b>Respondent's Attorney:</b> 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>  <input checked="" type="checkbox"/> Complaint  <input 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>                      September 25, 2005</p> <p><b>Date of Investigation Relating to this Case:</b>                      August 28, 2006</p> <p><b>Date of NOE Relating to this Case:</b> September 5, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to hold a current valid irrigator license prior to advertising, selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system (LI0008735 expired April 30, 2004) [30 TEX. ADMIN. CODE §§ 344.4 and 30.5, TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251].</p>	<p><b>Total Assessed:</b> \$250</p> <p><b>Total Deferred:</b> \$50  <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> \$200</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input 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 Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease advertising, selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	09-Oct-2006	Screening	10-Oct-2006	EPA Due	
	PCW	10-Oct-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Dustin L. Turner
Reg. Ent. Ref. No.	RN103660445
Facility/Site Region	11-Austin
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31434	No. of Violations	1
Docket No.	2006-1806-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

## 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 EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

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

Total EB Amounts	\$44	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

**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** 10-Oct-2006 **Docket No.** 2006-1806-LII-E **PCW**  
**Respondent** Dustin L. Turner *Policy Revision 2 (September 2002)*  
**Case ID No.** 31434 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN103660445  
**Media [Statute]** Irrigators  
**Enf. Coordinator** Libby Hogue

**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> )	0	0%
	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)** 0%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

No enhancement due to no previous compliance history.

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

**Screening Date** 10-Oct-2006 **Docket No.** 2006-1806-LII-E **PCW**  
**Respondent** Dustin L. Turner *Policy Revision 2 (September 2002)*  
**Case ID No.** 31434 *PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103660445

**Media [Statute]** Irrigators

**Enf. Coordinator** Libby Hogue

**Violation Number** 1

**Primary Rule Cite(s)** 30 Tex. Admin. Code §§ 344.4 and 30.5

**Secondary Rule Cite(s)** Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

**Violation Description**  
 Failure to hold a current valid irrigator license prior to advertising, selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. Specifically, Mr. Turner installed an irrigation system at 306 Navajo Trail, Lake Kiowa, Cooke County, Texas; with an expired irrigator license (LI0008735 expired April 30, 2004), as documented during a record review conducted on August 28, 2006.

**Base Penalty** \$2,500

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** -\$2,250

**Base Penalty Subtotal** \$250

**Violation Events**

Number of Violation Events 1

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

**Violation Base Penalty** \$250

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$44

**Statutory Limit Test**

**Violation Final Penalty Total** \$250

**This violation Final Assessed Penalty (adjusted for limits)** \$250

### Economic Benefit Worksheet

Respondent Dustin L. Turner  
 Case ID No. 31434  
 Reg. Ent. Reference No. RN103660445  
 Media [Statute] Irrigators  
 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
No commas or \$							
<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				0.0	\$0	n/a	\$0
Permit Costs	\$500	25-Jun-2005	25-Mar-2007	1.7	\$44	n/a	\$44
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain a valid irrigation license, calculated from the date the irrigation system was installed at complainant address through the expected date of compliance.

Item Description	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  **TOTAL**

# Compliance History

Customer/Respondent/Owner-Operator: CN602178956 TURNER, DUSTIN L Classification: Rating:  
Regulated Entity: RN103660445 TURNER, DUSTIN L Classification: Site Rating:

ID Number(s): LANDSCAPE IRRIGATION LICENSING LICENSE LI0008735  
Location: 220 DAVIS STREET, GAINESVILLE  
TEXAS 76240

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 09, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 09, 2001 to October 09, 2006

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

Name: Libby Hogue Phone: 512-239-1165

## 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.)

N/A

- 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

THE UNIVERSITY OF CHICAGO

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1100 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607-7073

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1100 SOUTH EAST ASIAN AVENUE

CHICAGO, ILLINOIS 60607-7073

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DUSTIN L. TURNER  
RN103660445**

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

## **AGREED ORDER DOCKET NO. 2006-1806-LII-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 Dustin L. Turner ("Mr. Turner") under the authority of TEX. OCCUPATIONS CODE ch. 1903 and TEX. WATER CODE chs. 7 and 37. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Turner appear before the Commission and together stipulate that:

1. Mr. Turner owns and operates a landscape irrigation business located at 220 Davis Street in Gainesville, Cooke County, Texas. Mr. Turner installed an irrigation system at 306 Navajo Trail, Lake Kiowa, Cooke County (the "Site").
2. TCEQ has general authority to regulate the design and installation of landscape irrigation systems, and the licensing of landscape irrigators and installers, pursuant to TEX. OCCUPATIONS CODE ch. 1903.
3. The Commission and Mr. Turner agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Turner is subject to the Commission's jurisdiction.
4. Mr. Turner received notice of the violations alleged in Section II ("Allegations") on or about September 10, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Turner of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Hundred Fifty Dollars (\$250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Turner has paid Two Hundred Dollars (\$200) of the administrative penalty and Fifty Dollars (\$50) is deferred contingent upon Mr. Turner'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.



- Order. If Mr. Turner fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Turner 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 Mr. Turner have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Turner 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 the irrigator at the Site, Mr. Turner is alleged to have failed to hold a current valid irrigator license prior to advertising, selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system (LI0008735 expired April 30, 2004), in violation of 30 TEX. ADMIN. CODE §§ 344.4 and 30.5, TEX. WATER CODE § 37.003 and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on August 28, 2006.

## **III. DENIALS**

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

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Mr. Turner pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Turner'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: Dustin L. Turner, Docket No. 2006-1806-LII-E" to:

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 success of any business and for the protection of the interests of all stakeholders. The document outlines the various methods and tools that can be used to ensure the accuracy and reliability of financial data.

The second part of the document focuses on the role of the accounting department in providing valuable insights into the company's financial performance. It highlights the importance of regular reporting and analysis, and discusses the various metrics and indicators that should be monitored to ensure the company's long-term success.

The third part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all stakeholders. The document outlines the various methods and tools that can be used to ensure the accuracy and reliability of financial data.

The fourth part of the document focuses on the role of the accounting department in providing valuable insights into the company's financial performance. It highlights the importance of regular reporting and analysis, and discusses the various metrics and indicators that should be monitored to ensure the company's long-term success.

### CONCLUSION

In conclusion, the document emphasizes the importance of maintaining accurate records of all transactions and the role of the accounting department in providing valuable insights into the company's financial performance. It highlights the importance of regular reporting and analysis, and discusses the various metrics and indicators that should be monitored to ensure the company's long-term success.

Prepared by: [Name]

Date: [Date]

Approved by: [Signature]

The document concludes with a final statement emphasizing the importance of accurate record-keeping and the role of the accounting department. It reiterates the key points discussed throughout the document and provides a clear call to action for all stakeholders to ensure the company's long-term 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 Mr. Turner shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease advertising, selling, designing, consulting, installing, maintaining, altering, repairing, or servicing landscape irrigation systems until properly licensed in accordance with the requirements of 30 TEX. ADMIN. CODE ch. 344; and
- b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision 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, Regulatory Compliance Section  
Compliance Support Division, MC-178  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Turner.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial 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 data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of data in decision-making. It explains how data-driven insights can help identify trends, anticipate challenges, and optimize resource allocation, leading to more informed and effective strategic decisions.

4. The fourth part of the document discusses the importance of data security and privacy. It outlines the measures that should be implemented to protect sensitive information from unauthorized access, loss, or misuse, ensuring compliance with relevant regulations and standards.

### Conclusion

In conclusion, the effective use of data is essential for the success of any organization. By implementing robust data management practices, organizations can harness the power of data to drive growth, innovation, and competitive advantage.

10/10

The document provides a comprehensive overview of the data management process, from data collection to analysis and reporting. It serves as a valuable resource for anyone looking to improve their organization's data capabilities.

Overall, the document is well-structured and provides clear, actionable insights into the world of data management.

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



put on ck

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

6/27/07  
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

2-01-07  
Date

DUSTIN TURNER  
Name (Printed or typed)  
Authorized Representative of  
Dustin L. Turner

Owner.  
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.

