

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.:2006-0474-AIR-E TCEQ ID: RN104471958 CASE NO.: 29268
RESPONDENT NAME: HUERTAS TRUCKING, INC.

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: 1025 W. Commerce Street, Dallas, Dallas County</p> <p>TYPE OF OPERATION: Ready mix concrete batch plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on April 5, 2006. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: A complaint has been received but the complainant has not indicated that it wishes to protest this action or speak at agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 12, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Kathleen Decker, Litigation Division, MC 175, (512) 239-6500 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, MC R-4, (817) 588-5886 TCEQ Regional Contact: Ms. Alyssa Taylor, DFW Regional Office, MC R-4, (817) 588-5828 Respondent: Mr. Walter Huerta, President, Huertas Trucking Inc., 1025 W. Commerce St., Dallas, TX 75208 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

DOCKET NO.: 2006-0474-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: April 5, 2006</p> <p>Dates of Investigation Relating to this Case: April 5, 2006 and March 28, 2006</p> <p>Date of NOE Relating to this Case: April 25, 2006</p> <p>Background Facts: A complaint was filed with the City of Dallas Air Pollution Control Program. A city of Dallas Investigator conducted an investigation on March 28, 2006 and reported the findings to the TCEQ. TCEQ conducted a follow-up investigation on March 28, 2006. The matter was referred to the Litigation Division and an Agreed Order was signed on January 17, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR</p> <p>1. Failed to obtain authorization prior to constructing and operating a concrete batch plant. Specifically, on March 28, 2006, Respondent was operating a concrete batch plant as documented by an investigator from the City of Dallas Air Pollution Control Program. [TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), and 30 TEX. ADMIN. CODE § 116.110(a)]</p> <p>2. Failed to pay outstanding General Permits Stormwater Fees for Financial Administration Account No. 20014785. [30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702]</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$305/\$9,695</p> <p>The Respondent has paid \$305 of the administrative penalty. The remaining amount of \$9,695 of the administrative penalty shall be payable in 35 monthly payments of \$277 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" 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 Action(s) Taken:</p> <p>The Executive Director recognizes that the Respondent was issued a New Source Review Construction Permit on July 17, 2006.</p> <p>The Executive Director recognizes that the Respondent paid all outstanding General Permits Stormwater fees for Financial Administration Account No. 20014785 on April 19, 2007.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	24-Apr-2006	Screening	28-Apr-2006	EPA Due	
	PCW	02-May-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Huerta's Trucking, Inc.
Reg. Ent. Ref. No.	RN104471958
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	29268	No. of Violations	2
Docket No.	2006-0474-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Cheryl Thompson
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	\$10,000
---	-------------------	-----------------

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	\$0
---------------------------	----------------	--------------------------------	------------

Notes: No change due to Average Performer Classification.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	------------

Notes:

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	------------

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

Notes: The respondent applied for authorization to operate the concrete batch plant on April 12, 2006. No good faith penalty reduction is offered because this is a statutory penalty.

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

Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,000
-----------------------------	-----------------------	-----------------

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	\$10,000
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
-----------------------------------	-------------------------------	-----------------

DEFERRAL		Reduction	Adjustment	\$0
-----------------	--	------------------	-------------------	------------

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

Notes: No deferral is recommended because penalty is based on Texas Water Code § 7.052(b) which requires that the penalty for operating a concrete batch plant without the required permit is \$10,000 per day.

PAYABLE PENALTY	\$10,000
------------------------	-----------------

Screening Date 28-Apr-2006

Docket No. 2006-0474-AIR-E

PCW

Respondent Huerta's Trucking, Inc.

Policy Revision 2 (September 2002)

Case ID No. 29268

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104471958

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 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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

No change due to Average Performer Classification.

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

Screening Date	28-Apr-2006	Docket No.	2006-0474-AIR-E	PCW
Respondent	Huerta's Trucking, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	29268	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104471958			
Media [Statute]	Air Quality			
Enf. Coordinator	Cheryl Thompson			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code §.116.110(a)			
Secondary Rule Cite(s)	Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)			
Violation Description	Failure to obtain authorization prior to constructing and operating a concrete batch plant. Specifically, the concrete batch plant was observed operating on March 28, 2006 without obtaining a permit prior to operating.			
Base Penalty				\$10,000

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

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	100%

Matrix Notes
 100% of the rule requirement was not met. Per Tex. Water Code § 7.052(b), a concrete batch plant operating without a permit is penalized \$10,000 per day for each day that the violation occurs.

Adjustment \$0

Base Penalty Subtotal \$10,000

Violation Events

Number of Violation Events

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

Violation Base Penalty \$10,000

One daily event is recommended based on the day the plant operated without authorization.

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$10,000

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Huerta's Trucking, Inc.
 Case ID No. 29268
 Reg. Ent. Reference No. RN104471958
 Media [Statute]: 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$500	28-Mar-2006	29-Mar-2006	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to obtain the required permit to construct. Date required is the day of operation without authorization. Final date is the last day of operation without authorization.

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 \$500 TOTAL \$0

Screening Date	28-Apr-2006	Docket No.	2006-0474-AIR-E	PCW
Respondent	Huerta's Trucking, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	29268	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104471958			
Media [Statute]	Air Quality			
Enf. Coordinator	Cheryl Thompson			
Violation Number	2			
Primary Rule Cite(s)	Tex. Water Code § 5.702 and 30 Tex. Admin Code § 205.6			
Secondary Rule Cite(s)				
Violation Description	Failed to pay outstanding General Permits Stormwater Fees for Financial Administration Account No. 20014785, as documented during a record review conducted on April 27, 2006.			
Base Penalty				\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

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

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

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

Violation Base Penalty \$0

No penalty is recommended at this time because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$0
This violation Final Assessed Penalty (adjusted for limits) \$0	

Economic Benefit Worksheet

Respondent: Huerta's Trucking, Inc.
 Case ID No. 29268
 Reg. Ent. Reference No. RN104471958
 Media [Statute]: Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

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

TOTAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HUERTA'S TRUCKING, INC.,
RN104471958

§
§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0474-AIR-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 Huerta's Trucking, Inc. under the authority of TEX. WATER CODE chs. 5 and 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Huerta's Trucking, Inc., appear before the Commission and together stipulate that:

1. Huerta's Trucking, Inc. owns and operates a ready mix concrete batch plant at 1025 W. Commerce Street in Dallas, Dallas County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Huerta's Trucking, Inc. agree that the Commission has jurisdiction to enter this Agreed Order, and that Huerta's Trucking, Inc. is subject to the Commission's jurisdiction.
4. Huerta's Trucking, Inc. received notice of the violations alleged in Section II ("Allegations") on or about April 25, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Huerta's Trucking, Inc. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of ten thousand dollars (\$10,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Huerta's Trucking, Inc. has paid three hundred and five dollars (\$305.00) of the administrative penalty. The remaining amount of nine thousand six hundred ninety-five dollars (\$9,695.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred seventy-seven dollars (\$277.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Huerta's Trucking, Inc. fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Huerta's Trucking, Inc. to meet the payment schedule of this Agreed Order constitutes the failure by Huerta's Trucking, Inc. to timely and satisfactorily comply with all of the terms of this Agreed Order.
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 Huerta's Trucking, Inc. 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 Huerta's Trucking, Inc. was issued a New Source Review Construction Permit on July 17, 2006.
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 Huerta's Trucking, Inc. 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

Huerta's Trucking, Inc. is alleged to have violated:

1. TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), and 30 TEX. ADMIN. CODE § 116.110(a) by failing to obtain authorization prior to constructing and operating a concrete batch plant. Specifically, on April 5, 2006, Huerta's Trucking, Inc. was operating a concrete batch plant as documented by an investigator from the City of Dallas Air Pollution Control Program.
2. 30 TEX. ADMIN. CODE § 205.6 and TEX. WATER CODE § 5.702 by failing to pay outstanding General Permits Stormwater Fees for Financial Administration Account No. 20014785.

III. DENIALS

Huerta's Trucking, Inc. generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Huerta's Trucking, Inc. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Huerta's Trucking, Inc.'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Huerta's Trucking, Inc., Docket No. 2006-0474-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. The provisions of this Agreed Order shall apply to and be binding upon Huerta's Trucking, Inc. Huerta's Trucking, Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant/Facility/Site operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against Huerta's Trucking, Inc. 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Huerta's Trucking, Inc., or three days after the date on which the Commission mails notice of the Order to Huerta's Trucking, Inc., whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Huerta's Trucking, Inc.
Docket No. 2006-0474-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/27/07
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 Huerta's Trucking, Inc.'s failure to comply with the Ordering Provisions, if any, in this order and/or Huerta's Trucking, Inc.'s failure to timely pay the penalty amount, may result in:

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

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

[Signature]
Signature

7/9/07
Date

WALTER HUERTA
Name (Printed or typed)
Authorized representative of
Huerta's Trucking, Inc.

President
Title