

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-0342-WQ-E TCEQ ID NO.: RN104745609 CASE NO.: 28928**  
**RESPONDENT NAME: RAFAEL RAMON DBA LIL BITTY TRUCKING**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 VIOLATIONS OCCURRED:</b> Roadside park located 3.5 miles west of Buckholts on U.S. Highway 190 outside of Cameron, Milam County</p> <p><b>TYPE OF OPERATION:</b> Trucking company</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.</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 June 25, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Mr. Robert R. Mosley, Litigation Division, MC 175, (512) 239-6027;  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Waste Section, MC 128, (512) 239-4492  <b>TCEQ Regional Contact:</b> Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3007  <b>Respondent:</b> Mr. Rafael Ramon, Owner, Lil Bitty Trucking, P.O. Box 1416, Uvalde, Texas 78801  <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></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 8, 2005</p> <p><b>Date of NOE Relating to this Case:</b> November 4, 2005</p> <p><b>Background Facts:</b></p> <p>A signed Agreed Order was received on March 28, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>WQ:</b></p> <p>1. Failed to prevent the discharge of diesel fuel into or adjacent to any waters in the state and to immediately abate, contain and clean up the discharge [30 TEX. ADMIN. CODE § 327.5(a) and TEX. WATER CODE § 26.121(a)].</p> <p>2. Failed to provide notification to TCEQ of a reportable discharge or spill within 24 hours after the occurrence [30 TEX. ADMIN. CODE § 327.3(b) and TEX. WATER CODE § 26.039(b)].</p>	<p><b>Total Assessed:</b> \$3,750</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,750</p> <p>The Respondent has paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</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>Findings Order Justification:</b> Human health or the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.</p>	<p><b>Corrective Action Taken</b></p> <p>The Executive Director recognizes that the Respondent hired a contractor to remove and dispose of the contaminated soil and to resod the contaminated area. The remediation began on August 18, 2005 and was completed on August 25, 2005.</p>

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

<b>DATES</b>	Assigned	13-Mar-2006	Screening	28-Mar-2006	EPA Due	
	PCW	08-Aug-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Rafael Ramon dba Lil Bitty Trucking
Reg. Ent. Ref. No.	RN104745609
Facility/Site Region	9-Waco <input type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	28928	No. of Violations	2
Docket No.	2006-0342-WQ-E	Order Type	Findings <input type="checkbox"/>
Media Program(s)	Water Quality <input type="checkbox"/>	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 8 <input type="checkbox"/>
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**  25% Reduction Subtotal 5

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

Notes

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

Total EB Amounts	\$26	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,020	

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Reduction 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** 28-Mar-2006 **Docket No.** 2006-0342-WQ-E **PCW**  
**Respondent** Rafael Ramon dba Lil Bitty Trucking *Policy Revision 2 (September 2002)*  
**Case ID No.** 28928 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104745609  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Michael Meyer

**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 (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 <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**

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

**Screening Date** 28-Mar-2006

**Docket No.** 2006-0342-WQ-E

**PCW**

**Respondent** Rafael Ramon dba Lil Bitty Trucking

*Policy Revision 2 (September 2002)*

**Case ID No.** 28928

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN104745609

**Media [Statute]** Water Quality

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

Failed to prevent a discharge of diesel fuel into or adjacent to any waters in the state and to immediately abate, contain, and clean up the discharge, as documented during an investigation conducted on August 8, 2005. Specifically, the investigator documented that the diesel fuel had saturated the soil. The investigator documented dead vegetation and crawfish along a drainage ditch and dry creek bed as a result of the discharge.

**Base Penalty**

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

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

**Percent**

>> **Programmatic Matrix**

		Major	Moderate	Minor
	Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Percent**

**Matrix Notes**

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

One monthly event is recommended from the August 8, 2005 investigation until August 25, 2005 when remediation was completed.

**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 Rafael Ramon dba Lil Bitty Trucking  
 Case ID No. 28928  
 Reg. Ent. Reference No. RN104745609  
 Media [Statute] Water 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	\$2,000	03-Aug-2005	25-Aug-2005	0.1	\$6	n/a	\$6
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost of removing and disposing of the contaminated soil. The Date Required is the date the spill occurred and the Final Date is the date that remediation was completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$2,000** TOTAL **\$6**

Screening Date 28-Mar-2006

Docket No. 2006-0342-WQ-E

PCW

Respondent Rafael Ramon dba Lil Bitty Trucking

Policy Revision 2 (September 2002)

Case ID No. 28928

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104745609

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to provide initial notification of a reportable discharge or spill within 24 hours after the occurrence, as documented in an investigation conducted by the TCEQ on August 8, 2005. Specifically, the respondent never notified the TCEQ of the accidental discharge. Notification of the discharge was provided to the TCEQ by the Texas Department of Transportation on August 8, 2005 from a citizen who was at the roadside park when the spill occurred on August 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

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 checked="" type="checkbox"/>	

Violation Base Penalty

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 Rafael Ramon dba Lil Bitty Trucking  
 Case ID No. 28928  
 Reg. Ent. Reference No. RN104745609  
 Media [Statute] Water 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
<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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**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)	\$20	03-Aug-2005	04-Aug-2005	0.0	\$0	\$20	\$20

Notes for AVOIDED costs Estimated cost of providing notification to the TCEQ regional office. The Date Required is the date the spill occurred and the Final Date is 24 hours after the spill occurred.

Approx. Cost of Compliance

**TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator:	CN603000183    RAMON, RAFAEL	Classification:	Rating:
Regulated Entity:	RN104745609    LIL BITTY TRUCKING	Classification:	Site Rating:
ID Number(s):	_____		
Location:	3 1/2 MILES WEST BUCKHOLTS ON US 190 OUTSIDE OF CAMERON		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	March 28, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 28, 2001 to March 28, 2006		

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

Name: Michael Meyer Phone: (512) 239-4492

### 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?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
    - 1 11/04/2005 (406097)
    - 2 11/17/2005 (419104)
  - 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RAFAEL RAMON DBA LIL BITTY  
TRUCKING,  
RN104745609

§  
§  
§  
§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2006-0342-WQ-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rafael Ramon dba Lil Bitty Trucking ("Mr. Ramon") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Ramon, presented this agreement to the Commission.

Mr. Ramon understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Ramon agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Ramon.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Mr. Ramon owns and operates a trucking company located at 830 South Getty Street, Uvalde, Uvalde County, Texas (the "Facility"). Mr. Ramon discharged diesel fuel from a tractor trailer truck at a roadside park located 3.5 miles west of Buckholts on U.S. Highway 190 outside of Cameron in Milam County (the "Site").

2. Mr. Ramon has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
3. During an inspection on August 8, 2005, a TCEQ Waco Regional Office investigator documented that Mr. Ramon failed to prevent the discharge of approximately 75 gallons of diesel fuel into or adjacent to any waters in the state and to immediately abate, contain and clean up the discharge. Specifically, the investigator documented dead vegetation and crawfish along a drainage ditch at the Site as a result of the discharge.
4. During a records review conducted on August 8, 2005, a TCEQ Waco Regional Office investigator documented that Mr. Ramon failed to provide notification to TCEQ of a reportable discharge or spill within 24 hours after the occurrence.
5. Mr. Ramon received notice of the violations on November 9, 2005.
6. The Executive Director recognizes that Mr. Ramon hired a contractor to remove and dispose of the contaminated soil and to resod the contaminated area. The remediation began on August 18, 2005 and was completed on August 25, 2005.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Ramon is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Ramon failed to prevent the discharge of diesel fuel into or adjacent to any waters in the state and to immediately abate, contain and clean up the discharge, in violation of 30 TEX. ADMIN. CODE § 327.5(a) and TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 4, Mr. Ramon failed to provide notification to TCEQ of a reportable discharge or spill within 24 hours after the occurrence, in violation of 30 TEX. ADMIN. CODE § 327.3(b) and TEX. WATER CODE § 26.039(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Ramon for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of three thousand seven hundred fifty dollars (\$3,750.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Mr. Ramon has paid three thousand seven hundred fifty dollars (\$3,750.00) of the administrative penalty.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Ramon is assessed an administrative penalty in the amount of three thousand seven hundred fifty dollars (\$3,750.00) as set forth in Conclusion of Law No. 5 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Ramon's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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: Rafael Ramon dba Lil Bitty Trucking; Docket No. 2006-0342-WQ-E; Enforcement ID No. 28928" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

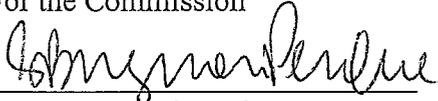
2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Ramon. Mr. Ramon is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Ramon if the Executive Director determines that Mr. Ramon has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Ramon 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.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Mr. Ramon, or three days after the date on which the Commission mails notice of the Order to Mr. Ramon, whichever is earlier.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

6/1/07

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Rafael Ramon dba Lil Bitty Trucking. I represent that I am authorized to agree to the attached Agreed Order on behalf of Rafael Ramon dba Lil Bitty Trucking, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Rafael Ramon dba Lil Bitty Trucking waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

3-28-07

\_\_\_\_\_  
Date

RALPH RAMON

\_\_\_\_\_  
Name (printed or typed)

Owner

\_\_\_\_\_  
Title

Authorized Representative

Rafael Ramon dba Lil Bitty Trucking