

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0836-MWD-E **TCEQ ID:** RN105092308 **CASE NO.:** 33622
RESPONDENT NAME: Martin Leon Edwards dba Minnow Bucket Marina

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 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>SITE WHERE VIOLATION(S) OCCURRED: Minnow Bucket Marina WWTP, 3035 West State Highway 154, 1/8 mile west of Farm-to-Market Road 3138, Quitman, Wood County</p> <p>TYPE OF OPERATION: Waste water treatment</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Martin Leon Edwards, Owner, Minnow Bucket Marina, P.O. Box 833, Quitman, Texas 75783 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 2, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 17, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with permit effluent limits [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014668001 Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$2,400</p> <p>Total Deferred: \$480 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,920</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input 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>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014668001. The certification shall include detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s).: WQ0014668001 and TX0128406



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned 21-May-2007

PCW 31-May-2007

Screening 29-May-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Martin Leon Edwards dba Minnow Bucket Marina

Reg. Ent. Ref. No. RN105092308

Facility/Site Region 5-Tyler

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 33622

Docket No. 2007-0836-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Harvey Wilson

EC's Team EnforcementTeam 3

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History

20% Enhancement

Subtotals 2, 3, & 7

\$400

Notes

A 20% enhancement is recommended for the four self-reported NOV's.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$176
Approx. Cost of Compliance \$2,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$2,400

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

\$2,400

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$2,400

DEFERRAL

20%

Reduction

Adjustment

-\$480

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$1,920

Screening Date 29-May-2007

Docket No. 2007-0836-MWD-E

PCW

Respondent Martin Leon Edwards dba Minnow Bucket Marina

Policy Revision 2 (September 2002)

Case ID No. 33622

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN105092308

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

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>)	4	20%
	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 submitted</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%
Please Enter Yes or No			
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) 20%

>> 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

A 20% enhancement is recommended for the four self-reported NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 29-May-2007 Respondent Martin Leon Edwards dba Minnow Bucket Marina Case ID No. 33622 Reg. Ent. Reference No. RN105092308 Media [Statute] Water Quality Enf. Coordinator Harvey Wilson Violation Number 1 Rule Cite(s) Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014668001 Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)	Docket No. 2007-0836-MWD-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i>
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Violation Description	Failed to comply with permit effluent limits (see attached table).
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Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0%

Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand ("BOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.
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Adjustment	\$9,000
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Adjustment	\$1,000
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Violation Events

Number of Violation Events 2	123	Number of violation days
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mark only one with an x	daily monthly quarterly semiannual annual single event	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px; text-align: center;">x</td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> </table>			x				Violation Base Penalty \$2,000
x									

Two quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount \$176	Violation Final Penalty Total \$2,400
This violation Final Assessed Penalty (adjusted for limits) \$2,400	

Economic Benefit Worksheet**Respondent** Martin Leon Edwards dba Minnow Bucket Marina**Case ID No.** 33622**Reg. Ent. Reference No.** RN105092308**Media** 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
No commas or \$							

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)	\$2,500	1-Oct-2006	28-Feb-2008	1.4	\$176	n/a	\$176

Notes for DELAYED costs

The estimated cost of additional oversight and sampling which may have alleviated or prevented the noncompliance. The Date Required is the date the noncompliance started. The Final Date is the estimated compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$2,500****TOTAL****\$176**

Martin Leon Edwards dba Minnow Bucket Marina

Docket No. 2007-0836-MWD-E

RN105092308

TPDES Permit No. WQ0014668001

Effluent Violations Table for Outfall 001

Month/Year	Dissolved Oxygen 4.0 mg/L min	BOD Daily Avg 1.0 lbs/day max	BOD Daily Avg 10 mg/L max	BOD Single Grab 35 mg/L max	Total Suspended Solids Daily Average 1.5 lbs/day max	Total Suspended Solids Single Grab 60 mg/L max	Total Suspended Solids Daily Average 15 mg/L max
October, 2006	3.5	C	C	C	C	C	C
November, 2006	1.1	1.14	44	74	1.7	C	C
December, 2006	C	C	C	51.3	C	100	C
January, 2007	C	C	59.6	110	C	92	62.6

C = compliant BOD = biochemical oxygen demand mg/L = milligrams per liter lbs/day = pounds per day

Compliance History

Customer/Respondent/Owner-Operator:	CN603112632	EDWARDS, MARTIN LEON	Classification:	Rating:
Regulated Entity:	RN105092308	MINNOW BUCKET MARINA WWTP	Classification:	Site Rating:
ID Number(s):	WASTEWATER	PERMIT		WQ0014668001
	WASTEWATER	PERMIT		TX0128406
Location:	3035 West State Highway 154, approx 1/8 mile west of Farm-to-Market Road 3138, Quitman, Wood County, Texas			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	May 25, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 25, 2002 to May 25, 2007			

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

Name: Harvey Wilson Phone: 239-0321

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.)
1 05/17/2007 (558955)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2006

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter B 111.201
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

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
MARTIN LEON EDWARDS DBA
MINNOW BUCKET MARINA
RN105092308**

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

AGREED ORDER DOCKET NO. 2007-0836-MWD-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 Martin Leon Edwards dba Minnow Bucket Marina ("Mr. Edwards") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Edwards appear before the Commission and together stipulate that:

1. Mr. Edwards owns and operates a wastewater treatment plant at 3035 West State Highway 154, 1/8 mile west of Farm-to-Market Road 3138 in Quitman, Wood County, Texas (the "Facility").
2. Mr. Edwards has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Mr. Edwards agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Edwards is subject to the Commission's jurisdiction.
4. Mr. Edwards received notice of the violations alleged in Section II ("Allegations") on or about May 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Edwards of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Four Hundred Dollars (\$2,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Edwards has paid One Thousand Nine Hundred Twenty Dollars (\$1,920) of the administrative penalty and Four

The first part of the paper is devoted to the study of the

properties of the function $f(x)$ defined by

$$f(x) = \sum_{n=0}^{\infty} \frac{a_n}{n!} x^n$$

where a_n are the coefficients of the power series

$$A(x) = \sum_{n=0}^{\infty} a_n x^n$$

which satisfies the differential equation

$$x A'(x) = A(x)^2$$

with the initial condition $A(0) = 1$.

The second part of the paper is devoted to the study of the

properties of the function $f(x)$ defined by

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$$A(x) = \sum_{n=0}^{\infty} a_n x^n$$

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The third part of the paper is devoted to the study of the

properties of the function $f(x)$ defined by

$$f(x) = \sum_{n=0}^{\infty} \frac{a_n}{n!} x^n$$

Hundred Eighty Dollars (\$480) is deferred contingent upon Mr. Edwards' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Edwards fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Edwards 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. Edwards 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. Edwards 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 owner and operator of the Facility, Mr. Edwards is alleged to have failed to comply with permit effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014668001 Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on May 2, 2007, as indicated in the table below.

Effluent Violations Table

Month/Year	Dissolved Oxygen 4.0 mg/L min	BOD Daily Ave 1.0 lbs/day max	BOD Daily Ave 10 mg/L max	BOD Single Grab 35 mg/L Max	Total Suspended Solids Daily Ave 1.5 lbs/day max	Total Suspended Solids Single Grab 60 mg/L max	Total Suspended Solids Daily Average 15 mg/L max
October, 2006	3.5	C	C	C	C	C	C
November, 2006	1.1	1.14	44	74	1.7	C	C
December, 2006	C	C	C	51.3	C	100	C
January, 2007	C	C	59.6	110	C	92	62.6

C = compliant BOD= biochemical oxygen demand mg/L = milligrams per liter lbs/day = pounds per day

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Edwards pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Edwards' 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: Martin Leon Edwards dba Minnow Bucket Marina, Docket No. 2007-0836-MWD-E" to:

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

2. It is further ordered that Mr. Edwards shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014668001. The certification shall include detailed supporting documentation, including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 169A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Edwards. Mr. Edwards is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If Mr. Edwards 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. Edwards' failure to comply is not a violation of this Agreed Order. Mr. Edwards shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Edwards shall notify the Executive Director within seven days after Mr. Edwards 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. Edwards shall be made in writing to the Executive Director. Extensions are not effective until Mr. Edwards 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. Edwards 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. Edwards, or three days after the date on which the Commission mails notice of the Order to Mr. Edwards, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szellin

For the Executive Director

11/13/2007

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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Martin Edwards

Signature

8-7-07

Date

MARTIN Edwards

Name (Printed or typed)
Authorized Representative of
Martin Leon Edwards dba Minnow Bucket Marina

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.

