

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-1240-MLM-E TCEQ ID: RN103005526 CASE NO.: 9755
RESPONDENT NAME: PARKER COUNTY'S SQUAW CREEK DOWNS, L.P.

ORDER TYPE:		
<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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" 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 checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 130 Trinity Meadows Lane, Willow Park, Parker County</p> <p>TYPE OF OPERATION: Horse racing and stable service</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There is a previous complaint regarding the burning of waste. The complainant has not indicated a desire to protest this action or to speak at Agenda. 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. The complainant has not indicated a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 18, 2005. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Mr. Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p>TCEQ Enforcement Coordinator: Ms. Elvia Maske, Waste Enforcement Section, MC 149, (512) 239- 0789</p> <p>TCEQ Regional Contact: Mr. Tony Walker, DFW Regional Office, MC R-4, (817) 588-5902 Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901</p> <p>Respondent: Mr. Joseph E. Watson, President, Parker County III, Inc., 130 Trinity Meadows Lane, Willow Park, Texas 76087 Mr. James R. Dunnagan, Managing Partner, Parker County's Squaw Creek Downs, L.P., 130 Trinity Meadows Lane, Willow Park, Texas 76087</p> <p>Respondent's Attorney: Mr. Brent Hamilton, Attorney, LaFont, Tunnell, Formby, LaFont & Hamilton, L.L.P., First Floor, Skaggs Building, 701 Broadway, P.O. Box 1510, Plainview, Texas 79072</p>		

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 Complaint Relating to this Case: February 12, 2003</p> <p>Dates of Investigation Relating to this Case: February 12, 2003, February 24, 2003, and May 27, 2003</p> <p>Date of NOV/NOE Relating to this Case: March 14, 2003 (NOV), April 16, 2003 (NOV), and May 29, 2003 (NOE)</p> <p>Background Facts:</p> <p>On December 22, 2003, the EDRP was filed. On December 29, 2003, the Respondent filed an Answer requesting a hearing. On February 11, 2004, this case was referred to SOAH, and the preliminary hearing was set for April 15, 2004. The parties conducted discovery and settlement negotiations prior to the May 12, 2005 setting for an evidentiary hearing. The parties were able to enter into an Agreed Order on May 10, 2005. As a result, this case was remanded from SOAH prior to the scheduled evidentiary hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MLM</p> <p>1. Caused an unauthorized sewage discharge from the sewer system [TEX. WATER CODE § 26.121(a)].</p> <p>2. Failed to construct and manage waste control facilities and land application areas to protect surface and groundwater and prevent nuisance conditions [30 TEX. ADMIN. CODE § 321.33(e)] (Now 30 TEX. ADMIN. CODE § 321.47(b)(3)).</p> <p>3) Conducted unauthorized outdoor burning of waste [30 TEX. ADMIN. CODE § 111.201].</p>	<p>Total Assessed: \$5,350</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,350</p> <p>The Respondent has paid the administrative penalty in full.</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>Findings Order Justification:</p> <p>The violation is a gross deviation from a standard of conduct common in a given industry defined as indifference to legal duty.</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent has implemented the following measures at the Plant:</p> <p>1) Repaired the cracked sewer line on March 19, 2003;</p> <p>2) Installed portable bathroom facilities on April 4, 2003;</p> <p>3) Constructed a waste control facility and hired a contractor for waste removal; and</p> <p>4) Ceased conducting outdoor burning on March 17, 2003.</p>



Policy Revision 2 (09/02)

Penalty Calculation Worksheet (PCW)

PCW Revision 6/12/2003

DATES		PCW	10-Oct-2003	Screening	10-Oct-2003	Priority Due	9-Dec-2003	EPA Due	
RESPONDENT INFORMATION									
Respondent	Parker County's Squaw Creek Downs, L.P.								
Respondent/Site ID No(s)	None								
Facility/Site Region	4 - Dallas/Fort Worth				Major/Minor Source		Minor		
CASE INFORMATION									
Enf./Case ID No(s)	CCEDS Enf. ID No. 9577								
Docket No.	2003-1240-MLM-E				No. Violations		1		
Case Priority	2		Order Type		Findings				
Enf. Coordinator	Elvia Maske				EC's Team		Enforcement Team 6		
Media Program(s)	Air Quality								
Admin. Penalty \$ Limit	Minimum \$0		Maximum \$10,000						

Penalty Calculation Section

TOTAL BASE PENALTY (<i>Sum of violation base penalties</i>)		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	7% Enhancement	Subtotals 2, 3 & 7	\$140
Notes	An enhancement is recommended because the Respondent has received a prior Notice of Violation (NOV) dated April 16, 2003 for same violation and an NOV dated March 14, 2003 for a different violation at this site.		+
Culpability	0% Enhancement	Subtotal 4	\$0
Notes	Respondent does not meet the culpability criteria.		+
Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
Notes	These are past events which cannot be corrected.		+
Economic Benefit	0% Enhancement*	Subtotal 6	\$0
	\$15 Total EB Amounts	*Capped at the Total EB \$ Amount	
	\$300 Approx. Cost of Compliance	=	
SUM OF SUBTOTALS 1-7		Final Subtotal	\$2,140
OTHER FACTORS AS JUSTICE MAY REQUIRE		0% Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)			
Notes			=
		Final Penalty Amount	\$2,140
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$2,140
DEFERRAL		0% 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 as this is a Findings Order.		=
PAYABLE PENALTY			\$2,140

Screening Date 10-Oct-2003 **Docket Number** 2003-1240-MLM-E **PCW**
Respondent Parker County's Squaw Creek Downs, L.P. **Policy Revision 2 (09/02)**
Case ID No. CCEDS Enf. ID No. 9577 **PCW Revision 6/12/2003**
Respondent/Site ID No. None
Media [Statute] Air Quality
Enf. Coordinator Elvia Maske
Site Address 130 Trinity Meadows Lane, Willow Park, Parker County

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 7%

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

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes An enhancement is recommended because the Respondent has received a prior Notice of Violation (NOV) dated April 16, 2003 for same violation and an NOV dated March 14, 2003 for a different violation at this site.

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

Screening Date 10-Oct-03 **Docket Number** 2003-1240-MLM-E **PCW**
Respondent Parker County's Squaw Creek Downs, L.P. **Policy Revision 2 (09/02)**
Case ID No. CCEDS Enf. ID No. 9577 **PCW Revision 6/12/2003**
Respondent/Site ID No. None.
Media [Statute] Air Quality
Enf. Coordinator Elvia Maske
Violation Number 1
Primary Rule Cite 30 Tex. Admin. Code § 111.201
Secondary Cite(s)
Violation Description Conducted unauthorized outdoor burning of waste; specifically, burned business related waste, including feed sacks, in a trash pit.

Base Penalty \$10,000

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

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

» **Programmatic Matrix**

		Major	Moderate	Minor	
OR	Falsification				Percent

Matrix Notes
 The unauthorized outdoor burning of business related waste resulted in an insignificant release of pollutants to the atmosphere and an insufficient amount of municipal solid waste being discharged to the soils at the site.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

<i>mark only one; use small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Events Notes
 Two single events are recommended based on the investigations conducted on February 9 and 13, 2003.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) \$15	Violation Final Penalty total \$2,140
This Violation Final Assessed Penalty (adjusted for limits) \$2,140	

Economic Benefit Worksheet

Respondent Parker County's Squaw Creek Downs, L.P.
ID Number(s) CCEDS Enf. ID No. 9577
Media [Statute] Air Quality
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$300	9-Feb-2003	9-Feb-2004	1.0	\$15	n/a	\$15
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of waste.

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/equip				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 \$300

TOTAL \$15



Policy Revision 2 (09/02)

Penalty Calculation Worksheet (PCW)

PCW Revision 6/12/2003

DATES		PCW 15-Jan-2004	Screening 10-Oct-2003	Priority Due 9-Dec-2003	EPA Due
RESPONDENT INFORMATION					
Respondent	Parker County's Squaw Creek Downs, L.P.				
Respondent/Site ID No(s)	None				
Facility/Site Region	4 - Dallas/Fort Worth				Major/Minor Source
					Minor
CASE INFORMATION					
Enf./Case ID No(s)	CCEDS Enf. ID No. 9755				
Docket No.	2003-1240-MLM-E			No. Violations	2
Case Priority	2			Order Type	Findings
Enf. Coordinator	Elvia Maske			EC's Team	Enforcement Team 6
Media Program(s)	Water Quality				
Admin. Penalty \$ Limit	Minimum \$0			Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$3,000									
ADJUSTMENTS (+/-) TO SUBTOTAL 1												
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. +												
Compliance History	7% Enhancement	Subtotals 2, 3 & 7	\$210									
Notes	An enhancement is recommended because the Respondent has received a prior Notice of Violation (NOV) dated March 14, 2003 for same or similar violations and an NOV dated April 16, 2003 for different violations at this site.		+									
Culpability	0% Enhancement	Subtotal 4	\$0									
Notes	No <input type="checkbox"/> Select Yes/No Respondent does not meet the culpability criteria.		+									
Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0									
Notes	<table border="1"> <tr> <td>Extraordinary</td> <td>Before NOV</td> <td>NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>None of the above</td> <td>X</td> <td>(mark with small x)</td> </tr> </table> These are past events which cannot be corrected.		Extraordinary	Before NOV	NOV to EDRP/Settlement Offer	Ordinary			None of the above	X	(mark with small x)	+
Extraordinary	Before NOV	NOV to EDRP/Settlement Offer										
Ordinary												
None of the above	X	(mark with small x)										
Economic Benefit	0% Enhancement*	Subtotal 6	\$0									
	<table border="1"> <tr> <td><input checked="" type="checkbox"/> \$8</td> <td>Total EB Amounts</td> <td>*Capped at the Total EB \$ Amount</td> </tr> <tr> <td>\$1,300</td> <td>Approx. Cost of Compliance</td> <td>=</td> </tr> </table>	<input checked="" type="checkbox"/> \$8	Total EB Amounts	*Capped at the Total EB \$ Amount	\$1,300	Approx. Cost of Compliance	=	=				
<input checked="" type="checkbox"/> \$8	Total EB Amounts	*Capped at the Total EB \$ Amount										
\$1,300	Approx. Cost of Compliance	=										
SUM OF SUBTOTALS 1-7		Final Subtotal	\$3,210									
+												
OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0									
Notes	Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)		=									
		Final Penalty Amount	\$3,210									
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$3,210									
-												
DEFERRAL	Deferral 0% Reduction	Adjustment	\$0									
Notes	Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction) No deferral is recommended as this is a Findings Order.		=									
PAYABLE PENALTY			\$3,210									

Screening Date 10-Oct-2003

Docket Number 2003-1240-MLM-E

PCW

Respondent Parker County's Squaw Creek Downs, L.P.

Policy Revision 2 (09/02)

Case ID No. CCEDS Enf. ID No. 9755

PCW Revision 6/12/2003

Respondent/Site ID No. None

Media [Statute] Water Quality

Enf. Coordinator Elvia Maske

Site Address 130 Trinity Meadows Lane, Willow Park, Parker County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 7%

>> Repeat Violator (Subtotal 3)

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes An enhancement is recommended because the Respondent has received a prior Notice of Violation (NOV) dated March 14, 2003 for same or similar violations and an NOV dated April 16, 2003 for different violations at this site.

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

Screening Date:	10-Oct-03	Docket Number:	2003-1240-MLM-E	PCW
Respondent:	Parker County's Squaw Creek Downs, L.P.			Policy Revision 2 (09/02)
Case ID No.:	CCEDS Enf. ID No. 9755			PCW Revision 6/12/2003
Respondent/Site ID No.:	None			
Media [Statute]:	Water Quality			
Enf. Coordinator:	Elvia Maske			
Violation Number:	<input type="text" value="1"/>			
Primary Rule Cite:	Texas Water Code § 26.121(a)			
Secondary Cite(s):				
Violation Description:	Caused an unauthorized sewage discharge from a sewer system. Specifically, the Respondent jettied a closed sewage line causing a crack in the line and causing waste to flow out of the line and onto the ground.			
		Base Penalty	\$10,000	

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text"/>
Matrix Notes	The unauthorized discharges of wastewater have exposed the environment to insignificant amounts of pollutants which have not been known to have affected human health or environmental receptors as a result of the violation.			
		Adjustment	<input type="text" value="-\$9,000"/>	
		Base Penalty Subtotal	\$1,000	

Violation Events				
	Number of Violation Events	<input type="text" value="2"/>		
<i>mark only one; use small x</i>	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	\$2,000
Events Notes	Two single events are recommended based on the investigations conducted on February 9 and 12, 2003.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) <input type="text" value="\$1"/>	Violation Final Penalty total <input type="text" value="\$2,140"/>
This Violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,140"/>	

Economic Benefit Worksheet

Respondent Parker County's Squaw Creek Downs, L.P.
ID Number(s) CCEDS Enf. ID No. 9755
Media [Statute] Water Quality
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$300	24-Feb-2003	19-Mar-2003	0.1	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly dispose of waste to the date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

Screening Date	10-Oct-03	Docket Number	2003-1240-MLM-E	PCW
Respondent	Parker County's Squaw Creek Downs, L.P.			Policy Revision 2 (09/02)
Case ID No.	CCEDS Enf. ID No. 9755			PCW Revision 6/12/2003
Respondent/Site ID No.	None			
Media [Statute]	Water Quality			
Enf. Coordinator	Elvia Maske			
Violation Number	2			
Primary Rule Cite	30 Tex. Admin. Code § 321.33(e)			
Secondary Cite(s)				
Violation Description	Failed to construct and manage waste control facilities and land application areas to protect surface and groundwaters and prevent nuisance conditions. Specifically, the Respondent failed to construct control facilities for waste piles consisting of horse manure that were located on the ground approximately 30 yards from the Clear Fork of the Trinity River.			

Base Penalty \$10,000

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

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

» **Programmatic Matrix**

		Major	Moderate	Minor	
OR	Falsification				
					Percent

Matrix Notes

The environment could be exposed to significant levels of pollutants which may not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

Events Notes

One quarterly event is recommended from the date of the investigation on February 12, 2003 until the date of compliance (March 4, 2003).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$7

Violation Final Penalty total \$1,070

This Violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Parker County's Squaw Creek Downs, L.P.
ID Number(s) CCEDS Enf. ID No. 9755
Media [Statute] Water Quality
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	9-Feb-2003	4-Apr-2003	0.1	\$7	n/a	\$7
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to hire someone to haul of waste consisting of horse manure, from the investigation date to the date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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: CN601551393 Parker County's Squaw Creek Downs, L.P. Classification: AVERAGE Rating: 3.00

Regulated Entity: RN103005526 Squaw Creek Downs Classification: AVERAGE Site Rating: 3.00

ID Number(s):

Location: 130 TRINITY MEADOWS LN, WILLOW PARK, TX, 76087 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 13, 2003

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 13, 2003 to October 13, 1998

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

Name: Elvia Maske Phone: (512) 239-0789

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. 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 dates of investigations.

N/A

E. Written notices of violations (NOV).

Date: March 14, 2003

Citation: Tex. Water Code § 26.121(a)

Description: Discharged sewage water into waters of the state, specifically caused sewer overflows and surfacing sewage.

Citation: 30 Tex. Admin. Code § 321.33(e)

Description: Failure to construct and manage waste control facilities and land application areas to protect surface and groundwaters and prevent nuisance conditions and minimize odor conditions in accordance with the technical requirements of 321.38 321.40 of this title (relating to Proper CAFO Operation and Maintenance; Pollution Prevention Plan; and Best Management Practices.

Date: April 16, 2003

Citation: 30 Tex. Admin. Code § 111.201

Description: Conducted unauthorized outdoor burning.

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
PARKER COUNTY'S SQUAW
CREEK DOWNS, L.P.
TCEQ; RN103005526

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2003-1240-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Parker County's Squaw Creek Downs, L.P. ("Squaw Creek") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE chs. 361 and 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Squaw Creek represented by Brent Hamilton of the law firm of LaFont, Tunnell, Formby, LaFont & Hamilton, L.L.P., presented this agreement to the Commission.

Squaw Creek understands that it 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, Squaw Creek 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 Squaw Creek.

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

FINDINGS OF FACT

1. Squaw Creek owns and operates a horse racing and stable service operation located at 130 Trinity Meadows Lane, Willow Park, Parker County, Texas (the "Site").

Parker County's Squaw Creek Downs, L.P.

DOCKET NO. 2003-1240-MLM-E

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2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). The Facility involves the management and the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Facility 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 inspections on February 12 and 24, 2003 and April 25, 2003, three TCEQ Dallas/Fort Worth Regional Office investigators documented:
 - a. An unauthorized sewage discharge from the respondent's sewer system;
 - b. Respondent's failure to construct and manage waste control facilities and land application areas to protect surface and groundwater and prevent nuisance conditions; and
 - c. Unauthorized outdoor burning of waste.
4. Squaw Creek received notice of the violations on March 19, April 21, and June 3, 2003.
5. The Executive Director recognizes that Squaw Creek has implemented the following corrective measures at the Plant:
 - a. Repaired the cracked sewer line on March 19, 2003;
 - b. Installed portable bathroom facilities on April 4, 2003;
 - c. Constructed a waste control facility and hired a contractor for waste removal in accordance with 30 TEX. ADMIN. CODE § 321.33(e)¹ on April 4, 1003; and
 - d. Ceased conducting outdoor burning in accordance with 30 TEX. ADMIN. CODE § 111.201 on March 17, 2003.

¹ Now codified at 30 Tex. Admin. Code § 321.47(b)(3)

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Squaw Creek is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, TEX. HEALTH & SAFETY CODE chs. 361 and 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Squaw Creek has caused an unauthorized sewage discharge from the its sewer system, in violation of TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 3.b., Squaw Creek failed to construct and manage waste control facilities and land application areas to protect surface and groundwater and prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE § 321.33(e)².
4. As evidenced by Finding of Fact No. 3.c., Squaw Creek conducted unauthorized outdoor burning of waste, in violation of 30 TEX. ADMIN. CODE § 111.201.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Squaw Creek 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.
6. An administrative penalty in the amount of five thousand three hundred fifty dollars (\$5,350.00) 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. Squaw Creek has paid five thousand three hundred fifty dollars (\$5,350.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Squaw Creek is assessed an administrative penalty in the amount of five thousand three hundred fifty dollars (\$5,350.00) as set forth in Conclusion of Law No. 6 for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and Squaw Creek'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

² Now codified at 30 Tex. Admin. Code § 321.47(b)(3)

Parker County's Squaw Creek Downs, L.P.

DOCKET NO. 2003-1240-MLM-E

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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: Parker County's Squaw Creek Downs, L.P.; Docket No. 2003-1240-MLM-E; RN103005526" to:

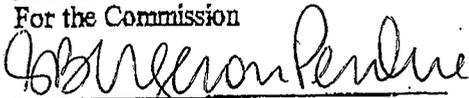
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Squaw Creek.
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 Squaw Creek if the Executive Director determines that Squaw Creek 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 Squaw Creek 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 Squaw Creek, or three days after the date on which the Commission mails notice of the Order to Squaw Creek, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/24/2008

Date

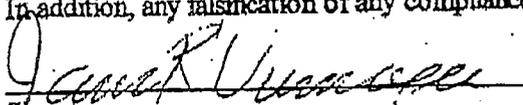
I, the undersigned, have read and understand the attached Agreed Order in the matter of Parker County's Squaw Creek Downs, L.P. I am authorized to agree to the attached Agreed Order on behalf of Parker County's Squaw Creek Downs, L.P., and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, Parker County's Squaw Creek Downs, L.P. 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

05/09/05
Date

James R. Dunnagan, President of General
Name (printed or typed) Partner
Authorized Representative
Parker County's Squaw Creek Downs, L.P.

Title