

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0400-EAQ-E **TCEQ ID:** RN104945217 **CASE NO.:** 35518

RESPONDENT NAME: Robert Rotter

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 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 checked="" type="checkbox"/> EDWARDS AQUIFER
<p>SITE WHERE VIOLATION(S) OCCURRED: Rotter Property, 12225 Highway 290 West, Hays County</p> <p>TYPE OF OPERATION: Commercial parking area</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received November 5, 2007, alleging that fill was being placed and construction activity was underway in the Edwards Aquifer contributing zone. No erosion and sedimentation controls were installed at the Site. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 6, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Robert Rotter, Owner, 13230 Madrone Mountain Way, Austin, Texas 78737 Respondent's Attorney: Mr. Andrew Barrett, 505 West 14th Street, Austin, Texas 78701</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: November 5, 2007</p> <p>Date of Investigation Relating to this Case: November 19, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 26, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>Failure to obtain approval of an Edwards Aquifer Contributing Zone Plan ("CZP") prior to beginning construction of a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the investigator observed a compacted road base event parking lot, as well as a roadway from the event parking lot to a storage lot on a combined area of 11.75 acres [30 TEX. ADMIN. CODE § 213.23(a)(1)].</p>	<p>Total Assessed: \$13,260</p> <p>Total Deferred: \$2,652 <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: \$10,608</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent is no longer developing the Site and has no immediate plans for further development. If the Respondent develops the Site in the future, an administratively complete application for a CZP and associated application fee will be submitted to the TCEQ, in accordance with 30 TEX. ADMIN CODE § 213.23(a)(1).</p>

Additional ID No(s): N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	3-Mar-2008			
	PCW	10-Mar-2008	Screening	10-Mar-2008	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Robert Rotter		
Reg. Ent. Ref. No.	RN104945217		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35518	No. of Violations	1
Docket No.	2008-0400-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Enf. Coordinator	Lauren Smitherman
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2% Enhancement	Subtotals 2, 3, & 7	\$260
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Notes: An enhancement is recommended due to one unrelated written NOV.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

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

Total EB Amounts	\$119	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$4,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,260
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,260
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,260
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DEFERRAL	20% Reduction	Adjustment	-\$2,652
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,608
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Screening Date 10-Mar-2008

Docket No. 2008-0400-EAQ-E

PCW

Respondent Robert Rotter

Policy Revision 2 (September 2002)

Case ID No. 35518

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN104945217

Media [Statute] Edwards Aquifer

Enf. Coordinator Lauren Smitherman

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)	0	0%
	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) 2%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

An enhancement is recommended due to one unrelated written NOV.

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

Screening Date	10-Mar-2008	Docket No.	2008-0400-EAQ-E	PCW
Respondent	Robert Rotter	Policy Revision 2 (September 2002)		
Case ID No.	35518	PCW Revision January 29, 2008		
Reg. Ent. Reference No.	RN104945217			
Media [Statute]	Edwards Aquifer			
Enf. Coordinator	Lauren Smitherman			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 213.23(a)(1)
Violation Description	Failed to obtain approval of an Edwards Aquifer Contributing Zone Plan prior to beginning construction of a regulated activity over the Edwards Aquifer Contributing Zone, as documented during an investigation conducted on November 19, 2007. Specifically, the investigator observed a compacted road base event parking lot, as well as a roadway from the event parking lot to a storage lot on a combined area of 11.75 acres.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.					
	Adjustment					\$9,000

\$1,000

Violation Events

Number of Violation Events	13	Number of violation days	13	
mark only one with an x	daily		Violation Base Penalty	\$13,000
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Thirteen single events are recommended based on the investigation completion date (February 26, 2008) through the screening date (March 10, 2008).				

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$119	
Violation Final Penalty Total	\$13,260	
This violation Final Assessed Penalty (adjusted for limits)		\$13,260

Economic Benefit Worksheet

Respondent: Robert Rotter
Case ID No.: 35518
Reg. Ent. Reference No.: RN104945217
Media: Edwards Aquifer
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	\$4,000	26-Feb-2008	1-Jul-2008	0.6	\$119	n/a	\$119
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Cost reflects amount to ensure that an administratively complete Contributing Zone Plan is submitted to the TCEQ should the Site undergo further development. The date required is the investigation completion date and the final date is the date that development ceased at the Site.

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

\$4,000

TOTAL

\$119

Compliance History

Customer/Respondent/Owner-Operator: CN603026683 ROTTER, ROBERT Classification: AVERAGE Rating: 3.00
Regulated Entity: RN104945217 ROTTER PROPERTY Classification: AVERAGE Site Rating: 3.00
ID Number(s):
Location: 12225 HWY 290 W HAYS CO. TX Rating Date: September 01 07
Repeat Violator: NO
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: March 07, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 07, 2003 to March 07, 2008

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

Name: Lauren Smitherman Phone: 512-239-5223

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.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 05/16/2006 (464553)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
Description: Failure to comply with State of Texas outdoor burning regulations.
- 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
- K. Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROBERT ROTTER
RN104945217

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§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0400-EAQ-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 Robert Rotter ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by the law firm of Andrew Barrett, appear before the Commission and together stipulate that:

1. The Respondent owns a commercial parking area at 12225 Highway 290 West in Hays County, Texas (the "Site").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 2, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Two Hundred Sixty Dollars (\$13,260) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Ten Thousand Six Hundred Eight Dollars (\$10,608) of the administrative penalty and Two Thousand Six Hundred Fifty-Two Dollars (\$2,652) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent is no longer developing the Site and has no immediate plans for further development. If the Respondent develops the Site in the future, an administratively complete application for an Edwards Aquifer Contributing Zone Plan ("CZP") and associated application fee will be submitted to the TCEQ in accordance with 30 TEX. ADMIN CODE § 213.23(a)(1).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Site, the Respondent is alleged to have failed to obtain approval of a CZP prior to beginning construction of a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the investigator observed a compacted road base event parking lot, as well as a roadway from the event parking lot to a storage lot on a combined area of 11.75 acres, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1), as documented during an investigation conducted on November 19, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and the public, have a right to know how their money is being managed. Therefore, organizations should strive to provide clear, concise, and timely information about their financial performance and the risks they face.

Furthermore, the document addresses the challenges of managing financial risk. It notes that risk management is a complex task that requires a deep understanding of the organization's operations and the external environment. Effective risk management involves identifying potential risks, assessing their impact, and implementing strategies to mitigate or avoid them.

Finally, the document concludes by reiterating the importance of ethical conduct in financial management. It stresses that ethical behavior is not only a legal requirement but also a key factor in building trust and long-term success. Organizations should foster a culture of integrity and ensure that all financial activities are conducted in accordance with the highest standards of ethical practice.

The document also includes a section on the role of technology in financial management. It discusses how digital tools and platforms can enhance efficiency, reduce errors, and provide real-time insights into financial data. However, it also warns of the risks associated with cyber security and the need for robust data protection measures.

In summary, the document provides a comprehensive overview of the key principles and practices of financial management. It serves as a guide for organizations seeking to improve their financial performance, manage risk effectively, and maintain the highest standards of ethical and legal compliance.

The document is intended for a wide range of stakeholders, including financial managers, accountants, and other professionals involved in the financial operations of an organization. It is hoped that the information provided will be helpful and informative.

For more information, please contact the author at [contact information].

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Robert Rotter, Docket No. 2008-0400-EAQ-E " to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Section 1: Introduction

The following text discusses the importance of maintaining accurate records.

It is essential to ensure that all data is properly documented and stored.

This process helps in identifying trends and anomalies over time.

Regular audits are necessary to verify the integrity of the information.

Proper record-keeping is a fundamental aspect of any organization.

By following these guidelines, you can ensure the reliability of your data.

The next section will explore the various methods used for data collection and analysis.

Understanding the different types of data is crucial for effective analysis.

Quantitative data allows for statistical analysis and the identification of patterns.

Qualitative data provides insights into the underlying reasons for certain behaviors.

Both types of data are essential for a comprehensive understanding of the subject.

The following table illustrates the key differences between these two data types.

Table 1: Comparison of Quantitative and Qualitative Data

Characteristic	Quantitative Data	Qualitative Data
Measurement	Can be measured and expressed numerically.	Cannot be measured and expressed numerically.
Analysis	Can be analyzed using statistical methods.	Can be analyzed using thematic analysis or content analysis.
Objectivity	Generally considered more objective.	Often considered more subjective.
Flexibility	Less flexible in terms of data collection methods.	More flexible in terms of data collection methods.
Depth	Provides a broad overview of the data.	Provides a deeper understanding of the underlying reasons.

The data presented in the table above shows that quantitative data is more objective and can be analyzed statistically, while qualitative data is more subjective and provides deeper insights into the reasons behind the data.

Understanding these differences is essential for choosing the right data collection method for your research.

The following section will discuss the various methods used for data collection, including surveys, interviews, and focus groups.

Surveys are a common method for collecting quantitative data, while interviews and focus groups are used to collect qualitative data.

Each method has its own strengths and weaknesses, and the choice of method depends on the research objectives and the nature of the data being collected.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/17/2008

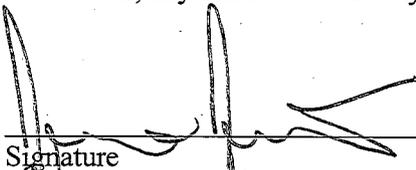
Date

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.



Signature

7-24/08

Date

Robert ROTTER

Name (Printed or typed)
Authorized Representative of
Robert Rotter

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.

