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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1589-MSW-E TCEQ ID: RN105273726 CASE NO.: 34733
RESPONDENT NAME: David Griffith dba East Texas Core Suppliers

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 checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: East Texas Core Suppliers, 2074 County Road ("CR") 915, Nacogdoches County</p> <p>TYPE OF OPERATION: Small core return</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on May 15, 2007, alleging that the scrap metal salvage yard at the 2074 CR 915 location was dumping petroleum products onto the ground, allowing products to run into a creek. 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 January 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2563; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. David Griffith, Owner, East Texas Core Suppliers, 2074 County Road 915, Nacogdoches, Texas 75961 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 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: May 15, 2007</p> <p>Date of Investigation Relating to this Case: June 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 10, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. One violation was documented.</p> <p>WASTE</p> <p>Failed to prevent the discharge of used oil on the ground. Specifically, the investigator observed soil contamination from spills of used oil occurring throughout the Facility resulting from dismantled engine blocks [30 TEX. ADMIN. CODE § 324.4(2)(B)].</p>	<p>Total Assessed: \$500</p> <p>Total Deferred: \$100 <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: \$400</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease the discharging of used oil and implement procedures to ensure any future discharges are contained and properly cleaned up;</p> <p>b. Within 30 days after the effective date of this Agreed Order, ensure that releases of used oil are properly remediated and that soil samples are taken to verify compliance; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	28-Sep-2007	Screening	4-Oct-2007	EPA Due	
	PCW	9-Oct-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	David Griffith dba East Texas Core Suppliers		
Reg. Ent. Ref. No.	RN105273726		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	34733	No. of Violations	1	
Docket No.	2007-1589-MSW-E	Order Type	1660	
Media Program(s)	Used Oil	Enf. Coordinator	John Shelton	
Multi-Media		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 4-Oct-2007

Docket No. 2007-1589-MSW-E

PCW

Respondent David Griffith dba East Texas Core Suppliers

Policy Revision 2 (September 2002)

Case ID No. 34733

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN105273726

Media [Statute] Used Oil

Enf. Coordinator John Shelton

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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) 0%

>> 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

No change due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 4-Oct-2007	Docket No. 2007-1589-MSW-E	PCW
Respondent David Griffith dba East Texas Core Suppliers	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34733	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN105273726		
Media [Statute] Used Oil		
Enf. Coordinator John Shelton		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 324.4(2)(B)	
Violation Description	Failed to prevent the discharge of used oil on the ground, as documented during an investigation conducted on June 12, 2007. Specifically, the investigator observed soil contamination from spills of used oil occurring throughout the facility resulting from dismantled engine blocks.	
Base Penalty		<input type="text" value="\$2,500"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
Matrix Notes	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.				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="114"/>	Number of violation days
<i>mark only one with an x</i> daily <input type="text"/> monthly <input type="text"/> quarterly <input checked="" type="text" value="x"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>	

Two quarterly events are recommended from the investigation date of June 12, 2007 to the screening date of October 04, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$133"/>	Violation Final Penalty Total <input type="text" value="\$500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$500"/>	

Economic Benefit Worksheet

Respondent David Griffith dba East Texas Core Suppliers
Case ID No. 34733
Reg. Ent. Reference No. RN105273726
Media Used Oil
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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$2,500	12-Jun-2007	5-Jul-2008	1.1	\$133	n/a	\$133
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of contaminated soil at the Facility. The Date Required is the date of the inspection and the the Final Date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$133

Compliance History

Customer/Respondent/Owner-Operator: CN603211350 GRIFFITH, DAVID Classification: Average Rating: 3.01
Regulated Entity: RN105273726 EAST TEXAS CORE SUPPLIERS Classification: Average by Site Rating: 3.01
Default

ID Number(s):

Location: 2074 CR 915, NACOGDOCHES COUNTY

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 26, 2002 to September 26, 2007

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

Name: John Shelton Phone: (512) 239-2563

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? | <u>N/A</u> |
| 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.)

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

1. The first step in the process of identifying a problem is to define the problem clearly and concisely. This involves identifying the symptoms of the problem and the underlying causes. It is important to gather as much information as possible about the problem and to consider all possible causes.

2. The second step is to analyze the problem and to identify the root cause. This involves looking at the problem from a different perspective and to consider the underlying causes. It is important to ask questions and to think critically about the problem.

3. The third step is to generate possible solutions. This involves brainstorming ideas and to consider all possible solutions. It is important to think creatively and to consider all possible options.

4. The fourth step is to evaluate the possible solutions. This involves comparing the possible solutions and to consider the pros and cons of each. It is important to consider the feasibility of each solution and to choose the best one.

5. The fifth step is to implement the chosen solution. This involves putting the chosen solution into action and to monitor the results. It is important to be flexible and to be willing to make adjustments if necessary.

6. The sixth step is to evaluate the results. This involves assessing the effectiveness of the chosen solution and to consider the long-term implications. It is important to be honest and to be willing to admit if the solution is not working.

7. The seventh step is to document the process. This involves writing a report or a memo that describes the problem, the analysis, the solutions, and the results. This is important for future reference and for sharing the information with others.

8. The eighth step is to communicate the results. This involves sharing the results of the problem-solving process with the relevant stakeholders. It is important to be clear and to be concise in your communication.

9. The ninth step is to reflect on the process. This involves thinking about what you have learned from the problem-solving process and to consider how you can improve your problem-solving skills in the future.

10. The tenth step is to celebrate the success. This involves acknowledging the effort and the achievement of the problem-solving process. It is important to take a moment to appreciate the work that has been done.

11. The eleventh step is to prevent the problem from recurring. This involves identifying the underlying causes of the problem and to take steps to prevent it from happening again. It is important to be proactive and to be vigilant.

12. The twelfth step is to learn from the experience. This involves reflecting on the problem-solving process and to consider what you have learned. It is important to be open to feedback and to be willing to learn from your mistakes.

13. The thirteenth step is to share the knowledge. This involves sharing the knowledge and the experience with others. It is important to be helpful and to be willing to share your expertise.

14. The fourteenth step is to stay informed. This involves keeping up to date on the latest developments in the field. It is important to be curious and to be willing to learn.

15. The fifteenth step is to be resilient. This involves being able to bounce back from setbacks and to stay motivated. It is important to be positive and to be optimistic.

16. The sixteenth step is to be persistent. This involves not giving up and to keep trying. It is important to be determined and to be committed.

17. The seventeenth step is to be patient. This involves not rushing and to take your time. It is important to be calm and to be focused.

18. The eighteenth step is to be flexible. This involves being able to adapt to change and to be open to new ideas. It is important to be adaptable and to be willing to try new things.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DAVID GRIFFITH DBA EAST TEXAS
CORE SUPPLIERS
RN105273726**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1589-MSW-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 David Griffith dba East Texas Core Suppliers ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 371 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a small core return business at 2074 County Road 915 in Nacogdoches County, Texas (the "Facility").
2. The Facility involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
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 August 15, 2007.
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 Five Hundred Dollars (\$500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent

has paid Four Hundred Dollars (\$400) of the administrative penalty and One Hundred Dollars (\$100) 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 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.
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, the Respondent is alleged to have failed to prevent the discharge of used oil on the ground, in violation of 30 TEX. ADMIN. CODE § 324.4(2)(B), as documented during an investigation conducted on June 12, 2007. Specifically, the investigator observed soil contamination from spills of used oil occurring throughout the Facility resulting from dismantled engine blocks.

III. DENIALS

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

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: David Griffith dba East Texas Core Suppliers, Docket No. 2007-1589-MSW-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 the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease the discharging of used oil and implement procedures to ensure any future discharges are contained and properly cleaned up, in accordance with 30 TEX. ADMIN. CODE § 324.4(2)(B);
 - b. Within 30 days after the effective date of this Agreed Order, ensure that releases of used oil are properly remediated and that soil samples are taken to verify compliance, in accordance with 30 TEX. ADMIN. CODE § 327.5; and
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. 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 Facility operations referenced in this Agreed Order.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 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.
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 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

Date 1/11/08

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.

David R. Griffith
Signature

Date 10-30-2007

DAVID R. Griffith
Name (Printed or typed)
Authorized Representative of
David Griffith dba East Texas Core Suppliers

Owner / Operator
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.

10-31-07

ATTORNEY GENERAL'S CERTIFICATE

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of New York, at Albany, this _____ day of _____, 200__.

Attorney General

For the Director, Executive Director
Date

I, the undersigned, do hereby certify that the attached Agreement is a true and correct copy of the original as the same appears in the records of the State of New York, and that the same is in full compliance with the provisions of the laws of the State of New York relating to the same.

I also understand that failure to comply with the provisions of the laws of the State of New York relating to the same may result in the imposition of a civil penalty.

- * I have reviewed the Agreement and find it to be in full compliance with the provisions of the laws of the State of New York relating to the same.
- * I have also reviewed the Agreement and find it to be in full compliance with the provisions of the laws of the State of New York relating to the same.
- * I have also reviewed the Agreement and find it to be in full compliance with the provisions of the laws of the State of New York relating to the same.
- * I have also reviewed the Agreement and find it to be in full compliance with the provisions of the laws of the State of New York relating to the same.
- * I have also reviewed the Agreement and find it to be in full compliance with the provisions of the laws of the State of New York relating to the same.

Date

Signature

Date

Signature

In testimony whereof, I have hereunto set my hand and the seal of the State of New York, at Albany, this _____ day of _____, 200__.