

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0585-WQ-E **TCEQ ID:** RN102430592 **CASE NO.:** 35698
RESPONDENT NAME: OK Concrete Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: OK Concrete Co Inc Plant No. 5, 1116 County Road 205, near Seymour, Baylor County</p> <p>TYPE OF OPERATION: Ready mix concrete plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. David R. Litteken, President, OK Concrete Company, 2304 Sheppard Access Road, Wichita Falls, Texas 76306 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 13, 2008</p> <p>Date of NOE Relating to this Case: March 27, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to obtain authorization to discharge wastewater associated with industrial activities into or adjacent to water in the state [30 TEX. ADMIN. CODE § 305.42 and TEX. WATER CODE § 26.121(a)(1)].</p>	<p>Total Assessed: \$1,900</p> <p>Total Deferred: \$380 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,520</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted an application and a Notice of Intent for authorization to discharge wastewater under Texas Pollutant Discharge Elimination System General Permit TXG110000 on April 2, 2008.</p>

Additional ID No(s): TXG110569 and TXR05W544



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned	27-Mar-2008	Screening	9-Apr-2008	EPA Due	
	PCW	9-Apr-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	OK Concrete Company		
Reg. Ent. Ref. No.	RN102430592		
Facility/Site Region	Abilene	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35698	No. of Violations	1
Docket No.	2008-0585-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

Total EB Amounts **0% Enhancement*** **Subtotal 6**
Approx. Cost of Compliance *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 Reduction **Adjustment**
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 9-Apr-2008

Docket No. 2008-0585-WQ-E

PCW

Respondent OK Concrete Company

Policy Revision 2 (September 2002)

Case ID No. 35698

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102430592

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
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) 5%

>> 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 because the Respondent received one NOV dated May 10, 2004 for the same violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 9-Apr-2008	Docket No. 2008-0585-WQ-E	PCW
Respondent OK Concrete Company	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35698	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN102430592		
Media [Statute] Water Quality		
Enf. Coordinator Harvey Wilson		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 305.42 and Tex. Water Code § 26.121(a)(1)	
Violation Description	Failed to obtain authorization to discharge Facility wastewater associated with industrial activities into or adjacent to water in the state. Specifically, the wastewater generated from washing concrete trucks flows into a detention pond and then into Outfall 1 located on the west portion of the property which leads to Segment No. 1208 of the Brazos River Basin.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width:50px;" type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	x	<input type="checkbox"/>		<input type="checkbox"/>
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				\$9,000	

\$1,000

Violation Events

Number of Violation Events	2	Number of violation days	49	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		Violation Base Penalty <input style="width:100px;" type="text" value="\$2,000"/>
	monthly	x		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Two monthly events are recommended from the investigation on February 13, 2008 until compliance on April 2, 2008.				

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount	\$3	Violation Final Penalty Total	\$1,900
This violation Final Assessed Penalty (adjusted for limits)			\$1,900

Economic Benefit Worksheet

Respondent OK Concrete Company
Case ID No. 35698
Reg. Ent. Reference No. RN102430592
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	13-Feb-2008	2-Apr-2008	0.1	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost of preparing a Water Pollution Prevention Plan and preparing and submitting the Notice of Intent. Date Required is the date the violation was documented. Final Date is 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/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

\$500

TOTAL

\$3

Compliance History

Customer/Respondent/Owner-Operator: CN601033533 OK Concrete Company Classification: AVERAGE Rating: 3.25
Regulated Entity: RN102430592 OK CONCRETE CO INC PLANT 5 Classification: AVERAGE Site Rating: 6.50
ID Number(s):
Location: 1116 COUNTY ROAD 205, NEAR SEYMOUR, TX 76380 Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 03 - ABILENE
Date Compliance History Prepared: April 08, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 08, 2003 to April 08, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Harvey Wilson Phone: 239-0321

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 05/07/2004 | (271853) |
| 2 | 08/04/2004 | (287255) |
| 3 | 10/21/2004 | (449104) |
| 4 | 03/27/2008 | (639204) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 05/10/2004 | (271853) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Rqmt Prov: | PERMIT TXR05O520 | | |
| Description: | Failure to include a certification in the SWP3 indicating that process wastewater resulting from washing of trucks, mixers, transport buckets, concrete forms, and other equipment is either not discharged, or is discharged under authority of a separate permit. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Rqmt Prov: | PERMIT TXR05O520 | | |
| Description: | Failure to conduct periodic inspections monthly during the years of 2002, 2003, and January and February of 2004 to determine the effectiveness of good housekeeping measures, spill prevention and response measures, erosion control measures, maintenance program for structural controls, best management practices and the | | |

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to conduct benchmark monitoring at the permitted outfall for Iron and TSS during all four quarters of 2003.		
Self Report?	NO	Classification	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)		
Description:	Failure to obtain authorization to discharge process wastewater into or adjacent to water in the state through an individual industrial wastewater permit.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to sign and certify the Storm Water Pollution Plan (SWP3).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to identify, survey, and certify all non-storm water discharges that are eligible for permit coverage under the TPDES MSGP.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to develop and implement good housekeeping measures to ensure areas of the facility that contribute or potentially contribute pollutants to storm water discharges are maintained in a clean and orderly manner.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to identify areas where spills could contribute pollutants to storm water discharges in the SWP3.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to develop and implement specific spill prevention and cleanup techniques at the facility.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to develop and maintain an inventory of spill cleanup materials and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to conduct annual training during the years 2001, 2002, and 2003.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to conduct visual examinations of storm water discharges.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to conduct the required annual comprehensive site compliance evaluations for the years 2002 and 2003.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)		
Rqmt Prov:	PERMIT TXR05O520		
Description:	Failure to monitor for numeric effluent limitations (hazardous metals).		

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
OK CONCRETE COMPANY
RN102430592**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-0585-WQ-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 OK Concrete Company ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a ready mix concrete plant at 1116 County Road 205 near Seymour in Baylor County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 April 1, 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 One Thousand Nine Hundred Dollars (\$1,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Five Hundred Twenty Dollars (\$1,520) of the administrative penalty and Three Hundred Eighty Dollars (\$380) 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 submitted an application and a Notice of Intent for authorization to discharge wastewater under Texas Pollutant Discharge Elimination System General Permit TXG110000 on April 2, 2008.
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 and operator of the Facility, the Respondent is alleged to have failed to obtain authorization to discharge wastewater associated with industrial activities into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 305.42 and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on February 13, 2008.

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: OK Concrete Company, Docket No. 2008-0585-WQ-E" to:

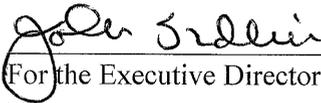
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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 Facility 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/2/2008
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

5-20-2008
Date

DAVID R LITTEKEN
Name (Printed or typed)
Authorized Representative of
OK Concrete Company

PRESIDENT
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.

