EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0294-WQ-E TCEQ ID: RN105352249 CASE NO.: 37224
RESPONDENT NAME: MILOS BEDNAR

ORDER TYPE:		
_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
_X_WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 11730 Sleepy Hollow Road, Conroe, Montgomery County

TYPE OF OPERATION: Construction site

SMALL BUSINESS: _X_ Yes ___ No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that there was a sand pit with no silt fencing, the Storm Water Pollution Prevision Plan was not posted, and trucks were constantly coming and going causing silt to settle on the road . There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 16, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Lanae Foard, Water Enforcement Section, MC 224, (512) 239-2554
TCEQ Regional Contact: Mr. Steve Smith, Houston Regional Office, MC R-12, (713) 767-3581
Respondent: Mr. Milos "Mike" Bednar, 11393 Sleepy Hollow Road, Conroe, Texas 77385
Respondent's Attorney: Not represented by counsel on this enforcement matter.

RESPONDENT NAME: MILOS BEDNAR
DOCKET NO.: 2009-0294-WQ-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: _X_ Complaint ___ Routine ___ Enforcement Follow-up ___ Records Review **Date of Complaint Relating to this Case:** September 11, 2008 **Dates of Investigation Relating to this Case:** December 3, 2008 through January 9, 2009 **Date of NOE Relating to this Case:** February 13, 2009 **Background Facts:** The EDPRP was filed on June 22, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on September 29, 2009. **Current Compliance Status:** The Respondent has not yet submitted documentation to certify compliance with the technical requirements. **WQ:** Failed to renew authorization to discharge storm water associated with construction activities by June 3, 2008 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c)].	**Total Assessed:** $9,630 **Total Deferred:** $0 ___ Expedited Order ___ Financial Inability to Pay ___ SEP Conditional Offset **Total Paid/Due to General Revenue:** $355/$9,275 The Respondent paid $355 of the administrative penalty. The remaining amount of $9,275 shall be payable in 35 monthly payments of $265 each. **Site Compliance History Classification** __ High _X_ Average ___ Poor **Person Compliance History Classification** __ High _X_ Average ___ Poor **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Respondent shall undertake the following technical requirements: 1. Within 30 days, implement a Storm Water Pollution Prevention Plan ("SWPPP") and submit a Notice of Intent ("NOI") letter and associated fees to comply with the General Construction Permit ("GCP") requirements. 2. Within 45 days, submit written certification demonstrating compliance.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

DATES					
Assigned	17-Feb-2009				
PCW	26-May-2009	Screening	26-Feb-2009	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Milos Bednar		
Reg. Ent. Ref. No.	RN105352249		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37224	No. of Violations	1
Docket No.	2009-0294-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lanae Foard
		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* $9,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 7.0% Enhancement *Subtotals 2, 3, & 7* $630

Notes: An enhancement is recommended due to one similar NOV and one non-similar NOV.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* $0

Economic Benefit 0.0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$15
Approx. Cost of Compliance	$225

SUM OF SUBTOTALS 1-7 *Final Subtotal* $9,630

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $9,630

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $9,630

DEFERRAL 0.0% Reduction *Adjustment* $0

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY $9,630

Screening Date 26-Feb-2009 **Docket No.** 2009-0294-WQ-E **PCW**

Respondent Milos Bednar *Policy Revision 2 (September 2002)*

Case ID No. 37224 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN105352249

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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 ***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 similar NOV and one non-similar NOV.

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

Screening Date 26-Feb-2009 **Docket No.** 2009-0294-WQ-E **PCW**

Respondent Milos Bednar *Policy Revision 2 (September 2002)*

Case ID No. 37224 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN105352249

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to renew authorization to discharge storm water associated with construction activities by June 3, 2008. Specifically, there were no construction activities at the time of the investigation; however, the Site had not been stabilized and no sediment controls were in place.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 9 — 296 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $9,000

Nine monthly events are recommended from the date the permit renewal was due (June 3, 2008) to the screening date (February 26, 2009).

Good Faith Efforts to Comply

0.0% Reduction — $0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $9,000

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount $15 **Violation Final Penalty Total** $9,630

This violation Final Assessed Penalty (adjusted for limits) $9,630

Economic Benefit Worksheet

Respondent Milos Bednar
Case ID No. 37224
Reg. Ent. Reference No. RN105352249
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				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs	$225	3-Jun-2008	5-Oct-2009	1.34	$15	n/a	$15
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Cost to prepare and submit an electronic Notice of Intent for Storm Water Discharges Associated with Construction Activity Under TPDES General Permit (TXR150000). Date required is the date renewal of the TPDES General Permit TXR150000 was required. Final date is the expected date of compliance.

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

Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $225

TOTAL $15

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603218744	BEDNAR, MILOS	Classification: AVERAGE	Rating: 3.33
Regulated Entity:	RN105352249	MILOS BEDNAR SLEEPY HOLLOW	Classification: AVERAGE	Site Rating: 3.00

ID Number(s):

Location: 11730 SLEEPY HOLLOW ROAD IN CONROE, MONTGOMERY COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2004 to February 26, 2009

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

Name: Lanae Foard Phone: 239 - 2554

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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 01/22/2008 (615017)
2 07/02/2008 (681816)

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

Date: 11/26/2007 (608854)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to obtain a Multi-Sector Industrial General Permit (MSGP) TXR050000 to authorize the discharge of storm water.

Date: 07/02/2008 (681816) CN603218744
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
CGP Part III, Section C PERMIT
Description: Failure to develop and implement a Storm Water Pollution Prevention Plan (SWP3).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to install sediment controls.

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 MILOS BEDNAR; RN105352249	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2009-0294-WQ-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Milos Bednar ("Mr. Bednar") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Bednar, appear before the Commission and together stipulate that:

1. Mr. Bednar owns and operates a construction site located at 11730 Sleepy Hollow Road in Conroe, Montgomery County, Texas (the "Site").

2. The Site 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. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.

4. The Commission and Mr. Bednar agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Bednar is subject to the Commission's jurisdiction.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Bednar of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of nine thousand six hundred thirty dollars ($9,630.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Bednar paid three hundred fifty-five dollars ($355.00) of the administrative penalty. The remaining amount of nine thousand two hundred seventy-five dollars ($9,275.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred sixty-five dollars ($265.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Bednar fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. Bednar's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Bednar to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Mr. Bednar agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Bednar 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

1. During an investigation conducted on December 3, 2008 through January 9, 2009, a TCEQ Houston Regional Office investigator documented that Mr. Bednar violated 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c) by failing to renew authorization to discharge storm water associated with construction activities by June 3, 2008. Specifically,

there were no construction activities at the time of the investigation, however, the Site had not been stabilized and no sediment controls were in place.

2. Mr. Bednar received notice of the violation on or about February 18, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Bednar pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Bednar'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 considering or requiring corrective action or penalties for violations which 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: Milos Bednar, Docket No. 2009-0294-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. Mr. Bednar shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, Mr. Bednar shall implement a Storm Water Pollution Prevention Plan ("SWPPP") and submit a Notice of Intent ("NOI") letter and associated fees to comply with the General Construction Permit ("GCP") requirements, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c) to:

Wastewater Permitting Section
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Within 45 days after the effective date of this Agreed Order, Mr. Bednar shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 2.a. 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."

Mr. Bednar shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. 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:

Steve Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Ste. H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Bednar. Mr. Bednar 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.

4. If Mr. Bednar fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Bednar's failure to comply is not a violation of this Agreed Order. Mr. Bednar shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Bednar shall notify the Executive Director within seven days after Mr. Bednar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Bednar shall be made in writing to the Executive Director. Extensions are not effective until Mr. Bednar receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Bednar 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Mr. Bednar, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Bednar, 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

10/29/09
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 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 Mr. Bednar's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Bednar;
- 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 Mr. Bednar;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Bednar; and
- TCEQ seeking other relief as authorized by law.

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

Signature

9-29-09
Date

MILOS BEDNAR
Name (Printed or typed)
Authorized representative of
Milos Bednar

Co owner
Title