

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1494-EAQ-E TCEQ ID: RN105601868 CASE NO.: 36555

RESPONDENT NAME: C.H. INVESTMENTS, INC.

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: Country Home Learning Center No. 10, 23907 Cielo Vista Drive, San Antonio, Bexar County</p> <p>TYPE OF OPERATION: Non-residential construction site</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 March 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5363; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Sharon Ford, Owner, C. H. INVESTMENTS, INC., 124 Scenic Loop Road, Boerne, Texas 78006 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: April 25, 2008 through August 25, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 25, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation conducted prior to the approval of a contributing zone plan ("CZP").</p> <p>WATER</p> <p>Failure to obtain approval of a CZP prior to conducting a regulated activity over the Edwards Aquifer Contributing Zone. Specifically, the investigator observed evidence of ongoing construction on approximately 6.5 acres, including cleared vegetation, exposed soils, and a partially constructed building. [30 TEX. ADMIN. CODE § 213.23(a)(1)].</p>	<p>Total Assessed: \$4,500</p> <p>Total Deferred: \$900 <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: \$3,600</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 submitted a CZP on August 7, 2008 and obtained approval on October 22, 2008.</p>

Additional ID No(s): EAQ 13-08080701



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	2-Sep-2008	Screening	17-Sep-2008	EPA Due	
	PCW	24-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	C. H. INVESTMENTS, INC.
Reg. Ent. Ref. No.	RN105601868
Facility/Site Region	13-San Antonio
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36555	No. of Violations	1
Docket No.	2008-1494-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No change is recommended due to Average Performer Classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$63
 Approx. Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$4,500

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$900
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,600
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Screening Date 17-Sep-2008

Docket No. 2008-1494-EAQ-E

PCW

Respondent C. H. INVESTMENTS, INC.

Policy Revision 2 (September 2002)

Case ID No. 36555

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105601868

Media [Statute] Edwards Aquifer

Enf. Coordinator Samuel Short

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	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%
<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) 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 is recommended due to Average Performer Classification.

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

Screening Date 17-Sep-2008		Docket No. 2008-1494-EAQ-E		PCW	
Respondent C. H. INVESTMENTS, INC.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36555		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN105601868					
Media [Statute] Edwards Aquifer					
Enf. Coordinator Samuel Short					
Violation Number		<input type="text" value="1"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 213.23(a)(1)"/>			
Violation Description		<input 6.5="" a="" acres,="" activity="" and="" approximately="" aquifer="" building."="" cleared="" conducting="" constructed="" construction="" contributing="" czp")="" edwards="" evidence="" exposed="" including="" investigator="" observed="" of="" on="" ongoing="" over="" partially="" prior="" regulated="" soils,="" specifically,="" the="" to="" type="text" value="Failed to obtain approval of a contributing zone plan (" vegetation,="" zone.=""/>			
Base Penalty				<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>	
Matrix Notes		<input type="text" value="100% of the rule requirement was not met."/>			
Adjustment				<input type="text" value="\$7,500"/>	
				<input type="text" value="\$2,500"/>	
Violation Events					
Number of Violation Events		<input type="text" value="2"/>	Number of violation days		
		<input type="text" value="57"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input checked="" type="checkbox"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
				Violation Base Penalty <input type="text" value="\$5,000"/>	
<input type="text" value="Two monthly events are recommended from July 22, 2008, when the violation was documented to the screening date, September 17, 2008."/>					
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction		<input type="text" value="\$500"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary		<input type="text"/>	<input type="text"/>		
Ordinary		<input type="text"/>	<input checked="" type="checkbox"/>		
N/A		<input type="text"/>	<small>(mark with x)</small>		
Notes		<input type="text" value="The Respondent returned to compliance on October 22, 2008."/>			
Violation Subtotal				<input type="text" value="\$4,500"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$63"/>	Violation Final Penalty Total <input type="text" value="\$4,500"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$4,500"/>	

Economic Benefit Worksheet

Respondent: C. H. INVESTMENTS, INC.
Case ID No.: 36555
Reg. Ent. Reference No.: RN105601868
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
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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	\$5,000	22-Jul-2008	22-Oct-2008	0.25	\$63	n/a	\$63
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to prepare, submit the application and obtain approval of an Edwards Aquifer CZP. Date required is the date the violation was first documented. Final date is the date the Edwards Aquifer CZP was approved.

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	\$5,000	TOTAL	\$63
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Compliance History

Customer/Respondent/Owner-Operator: CN603396110 C. H. INVESTMENTS, INC. Classification: AVERAGE Rating: 3.01
Regulated Entity: RN105601868 COUNTRY HOME LEARNING CENTER NO 10 Classification: AVERAGE BY DEFAULT Site Rating: 3.01
ID Number(s): EDWARDS AQUIFER REGISTRATION 13-08080701
Location: 23907 Cielo Vista Drive in San Antonio, Bexar County, Texas Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: September 23, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 23, 2003 to September 23, 2008

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

Name: Samuel Short Phone: (512) 239-5363

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.)
 - 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

Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives, scope, and the methodology used to achieve the desired outcomes. This document is intended for the project team and stakeholders, providing a clear understanding of the project's goals and the steps required to complete it.

The project is designed to address the current challenges faced by the organization and to implement a solution that will improve efficiency and reduce costs. The project team has conducted extensive research and analysis to identify the most effective approach to solving these issues.

The project will be implemented in a phased manner, starting with the initial planning and design phase. This will be followed by the development and testing of the solution, and finally, the deployment and evaluation of the results. The project team will maintain regular communication with stakeholders throughout the project to ensure that everyone is kept up-to-date on the progress and any changes that may be required.

Project Objectives

The primary objective of this project is to develop a new system that will streamline the current processes and reduce the time and resources required to complete them. The project team has identified several key areas for improvement, including the automation of manual tasks and the integration of data from different systems.

The project team has also identified several secondary objectives, including the improvement of the user interface and the implementation of robust security measures. These objectives are designed to ensure that the new system is not only efficient but also easy to use and secure.

The project team has conducted a thorough analysis of the current system and has identified several areas where improvements can be made. These improvements will be implemented in a way that minimizes disruption to the current operations and ensures that the new system is fully compatible with the existing infrastructure.

The project team has also identified several risks that could impact the project's success. These risks include the potential for delays in the development and testing phases, the possibility of budget overruns, and the risk of user resistance to the new system.

The project team has developed a risk management plan that will identify these risks and provide a clear strategy for mitigating them. This plan will be updated regularly as the project progresses to ensure that the team is always aware of the latest risks and has the resources needed to address them.

The project team has also identified several key performance indicators (KPIs) that will be used to measure the success of the project. These KPIs include the reduction in processing time, the improvement in user satisfaction, and the reduction in the number of errors.

The project team will monitor these KPIs closely throughout the project and will take corrective action if any of them are not met. This will ensure that the project is on track and that the desired outcomes are achieved.

The project team has also identified several key stakeholders who will be involved in the project. These stakeholders include the project sponsor, the project manager, the project team, and the end users. Each stakeholder has a specific role to play in the project's success.

The project team will maintain regular communication with all stakeholders to ensure that everyone is kept up-to-date on the project's progress and any changes that may be required. This will help to build trust and ensure that everyone is working towards the same goals.

The project team has also identified several key milestones that will be used to track the project's progress. These milestones include the completion of the initial planning and design phase, the development and testing of the solution, and the deployment and evaluation of the results.

The project team will monitor these milestones closely throughout the project and will take corrective action if any of them are not met. This will ensure that the project is on track and that the desired outcomes are achieved.

The project team has also identified several key deliverables that will be produced during the project. These deliverables include the project plan, the system design, the developed solution, and the final report. Each deliverable is a key component of the project's success.

The project team will ensure that all deliverables are completed on time and to the highest quality. This will ensure that the project is successful and that the organization is able to realize the full benefits of the new system.

The project team has also identified several key lessons learned that will be used to improve the organization's project management processes. These lessons include the importance of clear communication, the need for regular updates, and the value of stakeholder involvement.

The project team will share these lessons learned with the organization and will use them to improve the way that projects are managed in the future. This will help to ensure that the organization is always able to deliver high-quality projects on time and within budget.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
C.H. INVESTMENTS, INC.
RN105601868

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1494-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 C.H. INVESTMENTS, INC. ("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 non-residential construction site at 23907 Cielo Vista Drive in San Antonio, Bexar 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 August 30, 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 Four Thousand Five Hundred Dollars (\$4,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Six Hundred Dollars (\$3,600) of the administrative

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. This requires the implementation of robust internal controls and the disclosure of relevant information in a clear and concise manner. The text also touches upon the importance of ethical conduct and the role of professional standards in guiding financial professionals.

The document further explores the challenges faced by financial institutions in the current environment. It notes the increasing complexity of financial products and services, as well as the rapid pace of technological change. These factors can create significant risks and uncertainties. However, it also identifies opportunities for innovation and growth, particularly in areas such as digital banking and fintech. The text concludes by emphasizing the need for a proactive and collaborative approach to address these challenges and seize these opportunities.

Overall, the document provides a comprehensive overview of the key issues and trends in the financial industry. It serves as a valuable resource for anyone interested in understanding the current state of the sector and the steps that need to be taken to ensure its long-term success and stability. The document is structured to provide a clear and logical flow of information, making it easy to read and understand.

The following sections provide a detailed analysis of the various aspects of the financial system, including the role of different institutions and the impact of regulatory changes. This information is intended to provide a deeper understanding of the complexities of the financial world and the challenges it faces.

The document also includes a section on the future of the financial industry. It discusses the potential for new technologies to revolutionize the way we do business and the importance of staying ahead of the curve. It also addresses the need for ongoing education and training for financial professionals to ensure they have the skills and knowledge to succeed in a rapidly changing environment. The document concludes with a call to action, urging all stakeholders to work together to create a more transparent, accountable, and resilient financial system.

penalty and Nine Hundred Dollars (\$900) 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 a contributing zone plan ("CZP") on August 7, 2008 and obtained approval on October 22, 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 Site, the Respondent is alleged to have failed to obtain approval of a CZP prior to conducting a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1), as documented during an investigation conducted April 25, 2008 through August 25, 2008. Specifically, the investigator observed evidence of ongoing construction on approximately 6.5 acres, including cleared vegetation, exposed soils, and a partially constructed building.

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: C.H. INVESTMENTS, INC., Docket No. 2008-1494-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.
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Third block of faint, illegible text, showing the start of a new section or paragraph.

Fourth block of faint, illegible text, continuing the narrative or list of items.

Fifth block of faint, illegible text, possibly containing a list or detailed notes.

Sixth block of faint, illegible text, showing further details or a conclusion.

Seventh block of faint, illegible text, appearing to be a separate section.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szdlin
For the Executive Director

2/27/2009
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.

Sharon K Ford
Signature

1-12-09
Date

Sharon K. Ford
Name (Printed or typed)
Authorized Representative of
C.H. INVESTMENTS, INC.

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.

