

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0475-PWS-E TCEQ ID: RN102952033 CASE NO.: 33073
RESPONDENT NAME: ALAN KARL DBA COLES CROSSING

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 checked="" 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 type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 4621 Texana, near Mont Belvieu, Chambers County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility or location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 23, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717
TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581
Respondent: Mr. Alan Karl, Owner, P.O. Box 650, Mont Belvieu, Texas 77580
Respondent's Attorney: Not represented by counsel on this enforcement matter.

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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 7, 2007</p> <p>Date of NOE Relating to this Case: February 9, 2007</p> <p>Background Facts: The case was referred to the Litigation Division August 13, 2007. The EDPRP was filed September 10, 2007. The Respondent signed an agreed order March 18, 2008.</p> <p>Current Compliance Status: The Respondent has been compliant with monitoring and MCL since May 2008.</p> <p>PWS: Failed to comply with the Maximum Contaminant Level of 0.080 mg/L for TTHM, based on a running annual average during the second, third, and fourth quarters of 2005 and the first, second, third, and fourth quarters of 2006 [30 TEX ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$800</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$800</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Five or more prior notices of violation for the same or similar violations in the past five years.</p>	<p>Technical Requirements The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 365 days, return to compliance with the running annual average Maximum Contaminant Level for TTHM. 2. Within 380 days, submit written certification to demonstrate compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

DATES	Assigned	19-Mar-2007	Screening	27-Mar-2007	EPA Due	22-Dec-2007
	PCW	27-Mar-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Alan Karl dba Coles Crossing		
Reg. Ent. Ref. No.	RN102952033		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33073	No. of Violations	1
Docket No.	2007-0475-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
---	-------------------	--------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	35% Enhancement	Subtotals 2, 3, & 7
		\$175

Notes: The respondent was issued seven Notices Of Violation ("NOV") for the same violation in the past five years.

Culpability	Yes	25% Enhancement	Subtotal 4	\$125
-------------	-----	-----------------	-------------------	--------------

Notes: The respondent was issued an Alert Letter dated October 18, 2004.

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

Total EB Amounts	\$667	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$5,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$800
-----------------------------	-----------------------	--------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
---	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$800
-----------------------------	--------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$800
-----------------------------------	-------------------------------	--------------

DEFERRAL	0% Reduction	Adjustment	\$0
-----------------	--------------	-------------------	------------

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$800
------------------------	--------------

Screening Date 27-Mar-2007

Docket No. 2007-0475-PWS-E

PCW

Respondent Alan Karl dba Coles Crossing

Policy Revision 2 (September 2002)

Case ID No. 33073

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102952033

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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)	7	35%
	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) 35%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent was issued seven Notices Of Violation ("NOV") for the same violation in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 27-Mar-2007

Docket No. 2007-0475-PWS-E

PCW

Respondent Alan Karl dba Coles Crossing

Policy Revision 2 (September 2002)

Case ID No. 33073

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102952033

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health and Safety Code § 341.0315(c)

Violation Description

Failed to comply with the Maximum Contaminant Level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes, based on a running annual average during the second, third and fourth quarters of 2005 and the first, second, third and fourth quarters of 2006, when it reported TTHM levels of 0.166 mg/L, 0.191 mg/L, 0.203 mg/L, 0.198 mg/L, 0.166 mg/L, 0.172 mg/L, and 0.168 mg/L respectively.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Customers of the water supply have been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

677 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$667

Violation Final Penalty Total \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

Economic Benefit Worksheet

Respondent Alan Karl dba Coles Crossing
Case ID No. 33073
Reg. Ent. Reference No. RN102952033
Media Public Water Supply
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Item Description: 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)	\$5,000	1-May-2005	31-Dec-2007	2.7	\$667	n/a	\$667

Notes for DELAYED costs

Estimated cost to implement an alternative method of disinfection. Beginning date is the date of the first quarter of noncompliance. Final date is the estimated 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	\$5,000	TOTAL	\$667
----------------------------	---------	-------	-------

Compliance History

Customer/Respondent/Owner-Operator:	CN601499684 KARL, ALAN	Classification:	Rating:
Regulated Entity:	RN102952033 COLES CROSSING	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0360114
Location:	CHAMBERS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 28, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 28, 2002 to March 28, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Tel Croston	Phone:	239-5717

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 | 07/22/2005 | (539863) |
| N/A | | |
| 2 | 11/29/2005 | (540895) |
| 3 | 01/12/2006 | (540907) |
| 4 | 04/19/2006 | (540929) |
| 5 | 07/20/2006 | (540937) |
| 6 | 11/10/2006 | (540948) |
| 7 | 01/30/2007 | (540975) |
| 8 | 03/12/2007 | (543299) |

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

- | | | | | |
|---|------------------|---|-----------------|----------|
| 1 | Date: 07/22/2005 | (539863) | | |
| | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.113(f)(4) | | |
| | Description: | Violated the maximum contaminant level for trihalomethanes during the second quarter of 2005. | | |
| 2 | Date: 11/29/2005 | (540895) | | |
| | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.113(f)(4) | | |
| | Description: | Violated the maximum contaminant level for trihalomethanes during the third quarter of 2005. | | |
| 3 | Date: 01/12/2006 | (540907) | | |
| | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.113(f)(4) | | |
| | Description: | Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2005. | | |

4/ Date: 04/19/2006 (540929)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2006.

5 Date 07/20/2006 (540937)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2006.

6 Date 11/10/2006 (540948)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2006.

7 Date 01/30/2007 (540975)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2006.

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
ALAN KARL DBA COLES
CROSSING;
RN102952033**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0475-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alan Karl dba Coles Crossing ("Mr. Karl") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Karl, presented this agreement to the Commission.

Mr. Karl understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Karl agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Karl.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Karl owns and operates a public water system located at 4621 Texana, near Mont Belvieu, Chambers County, Texas (the "Facility") that has approximately 80 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an inspection conducted on February 7, 2007, a TCEQ Public Water Supply Division investigator documented that Mr. Karl failed to comply with the Maximum Contaminant

Level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average during the second, third, and fourth quarters of 2005 and the first, second, third, and fourth quarters of 2006, when he reported TTHM levels of 0.166 mg/L, 0.191 mg/L, 0.203 mg/L, 0.198 mg/L, 0.166 mg/L, 0.172 mg/L, and 0.168 mg/L respectively.

3. Mr. Karl received notice of the violations on or about July 22, 2005, November 29, 2005, January 12, 2006, April 19, 2006, July 20, 2006, November 10, 2006, and January 30, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Karl is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Mr. Karl failed to comply with the Maximum Contaminant Level of 0.080 mg/L for TTHM, based on a running annual average during the second, third, and fourth quarters of 2005 and the first, second, third, and fourth quarters of 2006, when he reported TTHM levels of 0.166 mg/L, 0.191 mg/L, 0.203 mg/L, 0.198 mg/L, 0.166 mg/L, 0.172 mg/L, and 0.168 mg/L respectively, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Karl for violations of TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
4. An administrative penalty in the amount of eight hundred dollars (\$800.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Karl has paid eight hundred dollars (\$800.00) of the administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Karl is assessed an administrative penalty in the amount of eight hundred dollars (\$800.00) as set forth in Conclusion of Law No. 4 for violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The payment of this administrative penalty and Mr. Karl's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the

Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: Alan Karl dba Coles Crossing; Docket No. 2007-0475-PWS-E; Enforcement ID No. 33073" to:

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

2. Mr. Karl shall undertake the following technical requirements:

- a. Within 365 days after the effective date of this Agreed Order, Mr. Karl shall return to compliance with the running annual average Maximum Contaminant Level for TTHM, as required by 30 TEX. ADMIN. CODE § 290.113.
- b. Within 380 days after the effective date of this Agreed Order, Mr. Karl shall submit written certification as described below, and include a copy of the water analysis to demonstrate compliance with Ordering Provision 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."

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:

Alicia Diehl, Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Karl. Mr. Karl is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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. Karl shall be made in writing to the Executive Director. Extensions are not effective until Mr. Karl receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Karl if the Executive Director determines that Mr. Karl has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Karl 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the

date of hand-delivery of the Order to Mr. Karl, or three days after the date on which the Commission mails notice of the Order to Mr. Karl, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

For the Executive Director

6/25/08

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Alan Karl dba Coles Crossing. I represent that I am authorized to agree to the attached Agreed Order on behalf of Alan Karl dba Coles Crossing, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Alan Karl dba Coles Crossing waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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 my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Alan J. Karl

Signature

ALAN J. KARL

Name (printed or typed)

Authorized Representative

Alan Karl dba Coles Crossing

3-18-08

Date

OWNER

Title