

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 20, 2009

Mr. Stanley Burse  
2716 Little Elm Trail  
Cedar Park, Texas 78613

Re: Stanley Burse; TCEQ Enforcement Action  
Docket No.: 2007-1831-LII-E

Dear Mr. Burse:

I have enclosed, for your records, copies of documents that have been filed with the Chief Clerk's Office at the Texas Commission on Environmental Quality (TCEQ). These documents were filed as part of the TCEQ agenda process. The above-referenced case is scheduled to be presented at the Agenda meeting on **April 8, 2009 at 9:30 a.m.** The Agenda will be held at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. If you have any questions, please contact me at the TCEQ Litigation Division at (512) 239-1873.

Sincerely,

A handwritten signature in black ink, appearing to read "J Cook", written over a horizontal line.

Jennifer Cook  
Attorney  
Litigation Division

Enclosure

cc: Mr. Harvey Wilson, Air Enforcement Section, MC 219  
Ms. Carolyn Runyon, Austin Regional Office, MC R-11  
Mr. Andrew Gardner, Regulatory Compliance, MC 178  
Ms. Lena Roberts, Agenda Coordinator, Litigation Division, MC 175

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1831-LII-E TCEQ ID: RN105068274 CASE NO.: 35002**  
**RESPONDENT NAME: STANLEY BURSE**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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 checked="" 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
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 1002 Ogden, Austin, Travis County</p> <p><b>TYPE OF OPERATION:</b> Landscape irrigation</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There is one complaint, alleging that the Respondent installed an irrigation system without a license. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter. The complainant has not indicated a desire to protest this action or speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on February 9, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Air Enforcement Section, MC 219, (512) 239-0321  TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 239-2929  Respondent: Mr. Stanley Burse, 2716 Little Elm Trail, Cedar Park, Texas 78613  Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      September 14, 2007</p> <p><b>Date of Investigation Relating to this Case:</b>                      October 22, 2007</p> <p><b>Date of NOE Relating to this Case:</b>                      October 25, 2007</p> <p><b>Background Facts:</b></p> <p>An EDPRP was filed March 20, 2008. The Respondent filed an Answer on April 23, 2008. This case was referred to SOAH and the Respondent signed an Agreed Order on December 2, 2008.</p> <p><b>Current Compliance Status:</b></p> <p>The Respondent ceased installing irrigation systems and hired a license irrigator.</p> <p><b>LII:</b></p> <p>Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system and representing to the public that he could perform a service for which a license is required [30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a), TEX. WATER CODE § 37.003, and TEX. OCCUPATIONS CODE § 1903.251].</p>	<p><b>Initial Calculated Penalty:</b> \$715</p> <p><b>Total Assessed:</b> \$594</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$594                      The Respondent has paid the assessed penalty amount of \$594 in full.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Explanation of Calculated Penalty Reduction:</b>                      The penalty was reduced due to the risk of litigation.</p>	<p><b>Corrective Action(s) Taken:</b></p> <p>The Respondent ceased installing irrigation systems as of September 15, 2007.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

**TCEQ**

<b>DATES</b>	Assigned	26-Oct-2007			
	PCW	17-Feb-2009	Screening	13-Nov-2007	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Stanley Burse
Reg. Ent. Ref. No.	RN105068274
Facility/Site Region	11-Austin
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35002	No. of Violations	1
Docket No.	2007-1831-LII-E	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$2,500

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$625
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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.

<b>Compliance History</b>	20% Enhancement	<i>Subtotals 2, 3 &amp; 7</i>	\$125
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Notes: A 20% enhancement is recommended because the Respondent received an Agreed Order with denial of liability which was effective on September 21, 2007.

<b>Culpability</b>	No	0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<i>Subtotal 5</i>	\$156
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: Respondent certified compliance on 9/15/07.

<b>Total EB Amounts</b>	\$121	0% Enhancement	<i>Subtotal 6</i>	
<b>Approx. Cost of Compliance</b>	\$111	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$594
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	20%	<i>Adjustment</i>	\$121
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: To recapture the avoided cost plus interest.

<b>Final Penalty Amount</b>	\$715
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$715
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<b>DEFERRAL</b>		Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$715
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Screening Date 13-Nov-2007

Docket No. 2007-1831-LII-E

PCW

Respondent Stanley Burse

Policy Revision 2 (September 2002)

Case ID No. 35002

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN105068274

Media [Statute] Irrigators

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)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 judgments 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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 20% enhancement is recommended because the Respondent received an Agreed Order with denial of liability which was effective on September 21, 2007.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 13-Nov-2007

Docket No. 2007-1831-LII-E

PCW

Respondent Stanley Burse

Policy Revision 2 (September 2002)

Case ID No. 35002

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN105068274

Media [Statute] Irrigators

Enf. Coordinator Harvey Wilson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 30.5(a) and 344.4(a), Tex. Water Code § 37.003, and Tex. Occupations Code § 1903.251

Violation Description

Failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system and representing to the public that he could perform a service for which a license is required. Specifically, Mr. Burse installed an irrigation system at 1002 Ogden, Austin, Travis County on or about August 21, 2007, without having a landscape irrigator's license.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system could expose the environment to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

Respondent: Stanley Burse  
 Case ID No: 35002  
 Reg. Ent. Reference No: RN105068274  
 Media: Irrigators  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$111	21-Aug-2007	15-Jun-2008	1.7	\$10	\$111	\$121
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost of obtaining a Landscape Irrigator License. Date Required is the approximate date the illegal service was performed. Final Date is the estimated date of compliance.

Approx. Cost of Compliance

\$111

TOTAL

\$121

# Compliance History

Customer/Respondent/Owner-Operator: CN603099003 BURSE, STANLEY Classification: Rating:  
Regulated Entity: RN105068274 BURSE STANLEY Classification: Site Rating:  
ID Number(s):  
Location: 2716 LITTLE ELM TRL, CEDAR PARK, TX, 78613  
TCEQ Region: REGION 11 - AUSTIN  
Date Compliance History Prepared: November 06, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 06, 2002 to November 06, 2007  
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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 09/21/2007 ADMINORDER 2007-0263-LII-E  
Classification: Moderate

Citation: 2F TWC Chapter 37, SubChapter L 37.003  
30 TAC Chapter 30, SubChapter A 30.5

30 TAC Chapter 344, SubChapter C 344.40

Description: Failure to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system and represented to the public that he/she could perform a service for which a license is required.

- 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.)

N/A

- 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  
STANLEY BURSE  
RN105068274

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-1831-LII-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 Stanley Burse ("Mr. Burse") under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. OCCUPATIONS CODE ch. 1903; and 30 TEX. ADMIN. CODE chs. 30, 70 and 344. The Executive Director of the TCEQ, through the Litigation Division, and Mr. Burse appear before the Commission and together stipulate that:

1. At the time of the violations, it is alleged that Mr. Burse owned and operated a landscape irrigator business at 2716 Little Elm Trail in Cedar Park, Williamson County, Texas. It is alleged that Mr. Burse installed an irrigation system at 1002 Ogden, Austin, Travis County, Texas, on or about August 21, 2007 ("the Site").
2. 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. OCCUPATIONS CODE ch. 1903 and TEX. WATER CODE ch. 37.
3. The Commission and Mr. Burse agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Burse is subject to the Commission's jurisdiction.
4. Mr. Burse received notice of the violations alleged in Section II ("Allegations") on or about October 30, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Burse of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of five hundred ninety-four dollars (\$594.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Burse has paid five hundred ninety-four dollars (\$594.00) of the administrative 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 Mr. Burse 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 Mr. Burse ceased any irrigation business as of September 15, 2007.
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 Mr. Burse 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

Mr. Burse failed to hold an irrigator license prior to selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system and representing to the public that he could perform a service for which a license is required, in violation of 30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4(a), TEX. WATER CODE § 37.003, and TEX. OCCUPATIONS CODE § 1903.251, as documented during a record review conducted on October 22, 2007. Specifically, Mr. Burse installed an irrigation system at 1002 Ogden, Austin, Travis County on or about August 21, 2007, without having a landscape irrigator's license.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Burse pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Burse'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: Stanley Burse, Docket No. 2007-1831-LII-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 Mr. Burse.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Burse 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 Mr. Burse, or three days after the date on which the Commission mails notice of the Order to Mr. Burse, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Stanley Burse  
Docket No. 2007-1831-LII-E  
Page 4

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dec 02 11 45:10

12/02/2008

For the Commission

005

*Stanley Burse*  
For the Executive Director

1/15/2009  
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:

Dec 02 11 45:10

12/02/2008

- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

005

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

I agree

*Stanley Burse*  
Signature

12-2-08  
Date

Dec 02

12/02/2008

Stanley Burse  
Name (Printed or typed)  
Stanley Burse

Owner  
Title

005