

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0235-WQ-E TCEQ ID: RN104633680 CASE NO.: 35356
RESPONDENT NAME: PATRIOT CAR WASH LLC

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 HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1815 Ranch Road 620 North, Lakeway, Travis County

TYPE OF OPERATION: Car wash

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that the ground behind the Facility was saturated and water was pooling in low areas and on to adjacent property in a low area. There are no additional pending enforcement actions regarding this facility location. A Proposal for Decision was issued in this matter on March 26, 2009, however, the Respondent subsequently executed this agreed order.

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 1, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Benjamin O. Thompson Litigation Division, MC 175, (512) 239-1297
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Samuel Short, Water Enforcement Section, MC 149, (512) 239-5363

TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929

Respondent: Mr. William H. Mitchell, President and Director, Patriot Car Wash LLC, 2300 Elite Acres Road, Wimberly, Texas 78676

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:</p> <p><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: October 12, 2007</p> <p>Date of Investigation Relating to this Case: November 27, 2007</p> <p>Date of NOE Relating to this Case: January 10, 2008</p> <p>Background Facts: The EDRP was filed July 29, 2008. The Respondent filed an answer and the case was referred to SOAH. The evidentiary hearing was held March 17, 2009; Respondent failed to appear and a PFD was issued on March 26, 2009. A signed Agreed Order was received by the Litigation Division on April 1, 2009.</p> <p>Current Compliance Status: The Respondent has not yet submitted compliance documentation.</p> <p>WQ: Failed to cease irrigating with industrial reclaimed wastewater when the ground was saturated [30 TEX. ADMIN. CODE § 210.56(f)(3)].</p>	<p>Total Assessed: \$1,070</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/Due to General Revenue: \$116/\$954</p> <p>The Respondent paid \$116 of the administrative penalty. The remaining amount of \$954 shall be payable in 9 monthly payments of \$106 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, cease irrigating reclaimed industrial wastewater when the ground is saturated. 2. Within 30 days, develop and implement procedures to ensure that irrigating with reclaimed industrial wastewater does not occur when the ground is saturated. 3. Within 45 days, submit written certification to demonstrate compliance with these Ordering Provisions.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	28-Jan-2008	Screening	5-Feb-2008	EPA Due	
	PCW	17-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Patriot Car Wash LLC		
Reg. Ent. Ref. No.	RN104633680		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35356	No. of Violations	1	
Docket No.	2008-0235-WQ-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short	
Multi-Media		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 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 7% Enhancement Subtotals 2, 3, & 7 \$70

Notes: Enhancement recommended for having one NOV for the same or similar violations and one NOV for non-similar violations within the last five years.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

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.

0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$40	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,070

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,070

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,070

DEFERRAL 0% Reduction Adjustment \$0

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.

PAYABLE PENALTY \$1,070

Screening Date 5-Feb-2008

Docket No. 2008-0235-WQ-E

PCW

Respondent Patriot Car Wash LLC

Policy Revision 2 (September 2002)

Case ID No. 35356

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN104633680

Media [Statute] Water Quality

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)	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

Enhancement recommended for having one NOV for the same or similar violations and one NOV for non-similar violations within the last five years.

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

Screening Date 5-Feb-2008	Docket No. 2008-0235-WQ-E	PCW
Respondent Patriot Car Wash LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35356	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN104633680		
Media [Statute] Water Quality		
Enf. Coordinator Samuel Short		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 210.56(f)(3)	
Violation Description	Failed to cease irrigating reclaimed industrial wastewater when the ground is saturated. Specifically, the Respondent continued irrigating the reclaimed industrial wastewater when the ground behind the car wash was saturated and water was pooling in low areas and onto an adjacent property in a low area.	
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"/>		X
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>
Matrix Notes	Percent <input type="text" value="0%"/>				
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the November 27, 2007 investigation date to the February 5, 2008 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$40"/>	Violation Final Penalty Total <input type="text" value="\$1,070"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,070"/>	

Economic Benefit Worksheet

Respondent: Patriot Car Wash LLC

Case ID No.: 35356

Reg. Ent. Reference No.: RN104633680

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
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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)	\$1,000	27-Nov-2007	12-Sep-2008	0.8	\$40	n/a	\$40

Notes for DELAYED costs

The estimated cost to develop and implement procedures to cease irrigating reclaimed industrial wastewater when the ground is saturated. Date required is the date of the investigation and the final date is the projected 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

\$1,000

TOTAL

\$40

Compliance History

Customer/Respondent/Owner-Operator: CN602851065 PATRIOT CAR WASH LLC Classification: AVERAGE Rating: 3.50
Regulated Entity: RN104633680 PATRIOT CAR WASH Classification: AVERAGE
ID Number(s): Site Rating: 4.00
Location: 1815 RANCH ROAD 620 N, LAKEWAY, TX, 78734 Rating Date: September 01 07
Repeat Violator: NO
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: January 28, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 28, 2003 to January 28, 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.)
Date: 06/24/2005 (379733)
Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 210, SubChapter E 210.51(a)
Description: Failure to obtain the proper authorization prior to the reuse of industrial water for landscape irrigation
Date: 08/21/2007 (569203)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 210, SubChapter E 210.56(f)(3)
Description: Failure to comply with the practice of not irrigating reclaimed water when the ground is saturated from rainfall events.
 - 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
PATRIOT CAR WASH LLC,
RN104633680

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0235-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 Patriot Car Wash LLC ("Patriot Car Wash") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Patriot Car Wash, appear before the Commission and together stipulate that:

1. Patriot Car Wash owns and operates a car wash, which is authorized to reuse industrial reclaimed water for on site irrigation, located at 1815 Ranch Road 620 North, Lakeway, Travis County, Texas (the "Facility").
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. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Patriot Car Wash agree that the Commission has jurisdiction to enter this Agreed Order, and that Patriot Car Wash is subject to the Commission's jurisdiction.
4. Patriot Car Wash received notice of the violations alleged in Section II ("Allegations") on or about January 15, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Patriot Car Wash of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand seventy dollars (\$1,070.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Patriot Car Wash paid one hundred sixteen dollars (\$116.00) of the administrative penalty. The remaining amount of nine hundred fifty four dollars (\$954.00) of the administrative penalty shall be payable in nine monthly payments of one hundred six dollars (\$106.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within thirty days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than thirty days following the due date of the previous payment. If Patriot Car Wash 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, Patriot Car Wash's failure to meet the payment schedule of this Agreed Order constitutes the failure by Patriot Car Wash 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 Patriot Car Wash 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 Patriot Car Wash 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

During an investigation conducted on November 27, 2007, a TCEQ Austin Regional Office investigator documented that Patriot Car Wash violated 30 TEX. ADMIN. CODE § 210.56(f)(3) by failing to cease irrigating with industrial reclaimed wastewater when the ground was saturated. Specifically, Patriot Car Wash continued irrigation using industrial reclaimed wastewater generated

by an automatic car wash when the ground being irrigated was saturated and water was pooling in low areas and onto an adjacent property in a low area.

III. DENIALS

Patriot Car Wash generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Patriot Car Wash pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Patriot Car Wash'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: Patriot Car Wash LLC, Docket No. 2008-0235-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. Patriot Car Wash shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Patriot Car Wash shall cease irrigating reclaimed industrial wastewater when the ground is saturated, in accordance with 30 TEX. ADMIN. CODE § 210.56.
 - b. Within thirty days after the effective date of this Agreed Order, Patriot Car Wash shall develop and implement procedures to ensure that irrigating with reclaimed industrial wastewater does not occur when the ground is saturated.
 - c. Within forty five days after the effective date of this Agreed Order, Patriot Car Wash shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. 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.”

Patriot Car Wash shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Carolyn Runyon, Water Section Manager
Texas Commission on Environmental Quality
Austin Regional Office
2800 South IH 35, Suite 100
Austin, Texas 78704-5712

3. The provisions of this Agreed Order shall apply to and be binding upon Patriot Car Wash. Patriot Car Wash is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Patriot Car Wash 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, Patriot Car Wash's failure to comply is not a violation of this Agreed Order. Patriot Car Wash shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Patriot Car Wash shall notify the Executive Director within seven days after Patriot Car Wash 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 Patriot Car Wash shall be made in writing to the Executive Director. Extensions are not effective until Patriot Car Wash 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 Patriot Car Wash 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 Order to Patriot Car Wash, or three days after the date on which the Commission mails notice of the Order to Patriot Car Wash, 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

Wendy R. Pender

For the Executive Director

5/21/2009

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

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

Bill Mitchell

Signature

Bill Mitchell

Name (Printed or typed)

Authorized representative of
Patriot Car Wash LLC

3/17/09

Date

President

Title