

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0454-PST-E **TCEQ ID:** RN104267083 **CASE NO.:** 37383

RESPONDENT NAME: Denny Transport, L.L.C.

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 type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Denny Transport, 4123 Old Tyler Road, Nacogdoches, Nacogdoches County and underground storage tanks ("USTs") located at 2830 North Street, Nacogdoches, Nacogdoches County</p> <p>TYPE OF OPERATION: Fuel distributor</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on May 13, 2008, concerning the release of an unknown amount of diesel onto land and into a storm drain as a result of equipment malfunction while unloading diesel into a UST. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 20, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5690; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Dick Rudisill, Registered Agent/President, Denny Transport, L.L.C., P.O. Box 631626, Nacogdoches, Texas 75963 Mr. John R. Rudisill, Manager, Denny Transport, L.L.C., P.O. Box 631626, Nacogdoches, Texas 75963 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: May 13, 2008</p> <p>Date of Investigation Relating to this Case: June 4, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 8, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>Failure to prevent a spill from a UST system resulting in an unauthorized discharge of regulated substances. Specifically, during a fuel transfer operation a spill of approximately 175 gallons of diesel fuel occurred and discharged into a stormwater system and into a creek. The spill report noted six dead fish in the creek [30 TEX. ADMIN. CODE §§ 334.48(a) and 334.51(a) and TEX. WATER CODE §§ 26.121(a) and 26.3475(c)(2)].</p>	<p>Total Assessed: \$3,750</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,750</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>Findings Orders Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted a "Spill Response Completion Report" documenting that cleanup of contamination had been completed on May 14, 2008.</p>

Additional ID No(s): 76443



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	30-Mar-2009	Screening	2-Apr-2009	EPA Due
	PCW	3-Apr-2009			

RESPONDENT/FACILITY INFORMATION	
Respondent	Denny Transport, L.L.C.
Reg. Ent. Ref. No.	RN104267083
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION	
Enf./Case ID No.	37383
Docket No.	2009-0454-PST-E
Media Program(s)	Petroleum Storage Tank
Multi-Media	
No. of Violations	1
Order Type	Findings
Government/Non-Profit	No
Enf. Coordinator	Thomas Greimel
EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit	Minimum <input type="text" value="\$0"/> Maximum <input type="text" value="\$10,000"/>

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 2-Apr-2009

Docket No. 2009-0454-PST-E

PCW

Respondent Denny Transport, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 37383

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN104267083

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

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%
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) 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 adjustment for compliance history.

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

Screening Date 2-Apr-2009	Docket No. 2009-0454-PST-E	PCW												
Respondent Denny Transport, L.L.C.		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 37383		<small>PCW Revision June 12, 2008</small>												
Reg. Ent. Reference No. RN104267083														
Media [Statute] Petroleum Storage Tank														
Enf. Coordinator Thomas Greimel														
Violation Number <input type="text" value="1"/>														
Rule Cite(s)	30 Tex. Admin. Code §§ 334.48(a) and 334.51(a) and Tex. Water Code §§ 26.121(a) and 26.3475(c)(2)													
Violation Description	Failed to prevent a spill from a UST system resulting in an unauthorized discharge of regulated substances. Specifically, during a fuel transfer operation a spill of approximately 175 gallons of diesel fuel occurred and discharged into a stormwater system and into a creek. The spill report noted six dead fish in the creek.													
	Base Penalty	<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
	Harm													
	Release Major Moderate Minor													
OR	Actual	<input style="width: 50px; height: 15px;" type="text" value="x"/>												
	Potential	<input style="width: 50px; height: 15px;" type="text"/>												
	Percent	<input type="text" value="50%"/>												
>> Programmatic Matrix														
	Falsification	Harm												
	Major Moderate Minor													
	<input style="width: 50px; height: 15px;" type="text"/>	<input style="width: 50px; height: 15px;" type="text"/>												
	Percent	<input type="text" value="0%"/>												
Matrix Notes	Human health or the environment were exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.													
	Adjustment	<input type="text" value="\$5,000"/>												
		<input type="text" value="\$5,000"/>												
Violation Events														
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>												
	<table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 50px; height: 15px;"><input type="text" value="x"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="width: 50px; height: 15px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="width: 50px; height: 15px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="width: 50px; height: 15px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="width: 50px; height: 15px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="width: 50px; height: 15px;"><input type="text"/></td></tr> </table>	daily	<input type="text" value="x"/>	monthly	<input type="text"/>	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"/>
daily	<input type="text" value="x"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
mark only one with an x														
	One daily event is recommended from the May 13, 2008 discharge date to the May 14, 2008 date of compliance.													
Good Faith Efforts to Comply														
	25.0% Reduction	<input type="text" value="\$1,250"/>												
	Before NOV NOV to EDPRP/Settlement Offer													
	Extraordinary	<input style="width: 50px; height: 15px;" type="text"/>												
	Ordinary	<input style="width: 50px; height: 15px;" type="text" value="x"/>												
	N/A	(mark with x)												
Notes	The Respondent came into compliance May 14, 2008.													
	Violation Subtotal	<input type="text" value="\$3,750"/>												
Economic Benefit (EB) for this violation														
	Statutory Limit Test													
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$3,750"/>												
	This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$3,750"/>												

Economic Benefit Worksheet

Respondent Denny Transport, L.L.C.
Case ID No. 37383
Reg. Ent. Reference No. RN104267083
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$15,000	13-May-2008	14-May-2008	0.00	\$2	n/a	\$2
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to remediate contamination at the Facility. Date Required is the date the spill occurred. Final Date is the date of compliance.

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

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

Notes for AVOIDED costs

	76	
Approx. Cost of Compliance	\$15,000	TOTAL
		\$2

Compliance History Report

Customer/Respondent/Owner-Operator: CN603355645 Denny Transport, LLC Classification: AVERAGE Rating: 3.01
Regulated Entity: RN104267083 Denny Transport Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 76443
REGISTRATION
Location: 4123 OLD TYLER RD, NACOGDOCHES, TX, 75964
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: May 07, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 05, 2003 to August 05, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Thomas Greimel Phone: (512) 239-5690

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
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
DENNY TRANSPORT, L.L.C.
RN104267083

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2009-0454-PST-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Denny Transport, L.L.C. ("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 presented this agreement to the Commission.

The Respondent understands that it 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent, a fuel distributor headquartered at 4123 Old Tyler Road in Nacogdoches, Nacogdoches County, Texas delivered diesel fuel into the underground storage tanks ("USTs") located at 2830 North Street, Nacogdoches County, Texas (the "Facility").

2. The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. During an investigation on June 4, 2008, TCEQ staff documented that the Respondent did not prevent a spill of approximately 175 gallons of diesel fuel which discharged into a stormwater system and into a creek on May 13, 2008. The spill report noted six dead fish in the creek.
4. The Respondent received notice of the violations on July 13, 2008.
5. The Executive Director recognizes that the Respondent submitted a "Spill Response Completion Report" documenting that cleanup of contamination had been completed on May 14, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3., the Respondent, as a fuel distributor at the Facility, failed to prevent a spill from a UST system resulting in an unauthorized discharge of regulated substances, in violation of 30 TEX. ADMIN. CODE §§ 334.48(a) and 334.51(a) and TEX. WATER CODE §§ 26.121(a) and 26.3475(c)(2), as documented during an investigation conducted on June 4, 2008.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Three Thousand Seven Hundred Fifty Dollar (\$3,750) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 made payable to "TCEQ" and shall be sent with the notation "Re: Denny Transport, L.L.C., Docket No. 2009-0454-PST-E" to:

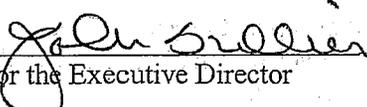
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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 fuel distribution operations referenced in this Agreed Order.
3. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.
6. 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 under this Agreed Order.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/13/2009

Date

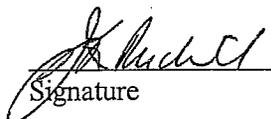
I, the undersigned, have read and understand the attached Agreed Order in the matter of Denny Transport, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of Denny Transport, L.L.C., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Denny Transport, L.L.C. 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 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.



Signature

5-19-2009

Date

John R Rudisill

Name (Printed or typed)
Authorized Representative of
Denny Transport, L.L.C.

MANAGER

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