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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1346-EAQ-E TCEQ ID: RN103991352 CASE NO.: 38178
RESPONDENT NAME: SOUTH TEXAS AGGREGATES, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> EDWARDS AQUIFER
<p>SITE WHERE VIOLATION(S) OCCURRED: Chapman Plant, located on State Highway 127, 0.25 mile north of the intersection of Farm-to-Market Road 1049, Sabinal, Uvalde County</p> <p>TYPE OF OPERATION: Rock quarry</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Clay Coleman, Vice President, SOUTH TEXAS AGGREGATES, INC., 4343 East Main Street, Uvalde, Texas 78801 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 13, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 29, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>Failure to receive approval of a modification to a Water Pollution Abatement Plan ("WPAP") prior to initiating installation activities of the hot mix plant. Specifically, the investigator observed that a hot mix plant was installed prior to the WPAP modification approval [30 TEX. ADMIN. CODE § 213.4(j) and WPAP No. 13-08051502 Standard Conditions No. 6].</p>	<p>Total Assessed: \$970</p> <p>Total Deferred: \$194 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$776</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on July 29, 2009, the Respondent received approval for a modification to the WPAP.</p>

Additional ID No(s): 13-08051502

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

ICEQ			
DATES	Assigned	3-Aug-2009	
	PCW	14-Aug-2009	Screening 14-Aug-2009 EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	SOUTH TEXAS AGGREGATES, INC.		
Reg. Ent. Ref. No.	RN103991352		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38178	No. of Violations	1
Docket No.	2009-1346-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No.
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
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			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	22.0% Enhancement	Subtotals 2, 3, & 7	\$220
Notes	Enhancement due to one NOV with unrelated violations and one final enforcement order containing a denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$250
Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
Total EB Amounts	\$13	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$6,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$970
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		Final Penalty Amount	\$970
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$970
DEFERRAL	20.0% Reduction	Adjustment	-\$194
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$776

Screening Date 14-Aug-2009	Docket No 2009-1346-EAQ-E	PCW
Respondent SOUTH TEXAS AGGREGATES, INC.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 38178		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN103991352		
Media [Statute] Edwards Aquifer		
Enf. Coordinator Jennifer Graves		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	0	0%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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) 22%

>> **Repeat Violator (Subtotal 3)**

No	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes

Enhancement due to one NOV with unrelated violations and one final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date: 14-Aug-2009		Docket No.: 2009-1346-EAQ-E		PCW	
Respondent: SOUTH TEXAS AGGREGATES, INC.			<i>Policy Revision 2 (September 2002)</i>		
Case ID No.: 38178			<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.: RN103991352					
Media [Statute]: Edwards Aquifer					
Enf. Coordinator: Jennifer Graves					
Violation Number:		1			
Rule Cite(s):		30 Tex. Admin. Code § 213.4(j) and Water Pollution Abatement Plan No. 13-08051502 Standard Conditions No. 6			
Violation Description:		Failed to receive approval of a modification to a Water Pollution Abatement Plan ("WPAP") prior to initiating installation activities of the hot mix plant, as documented during an investigation on July 13, 2009. Specifically, the investigator observed that a hot mix plant was installed prior to the WPAP modification approval.			
Base Penalty				\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes		100% of the rule requirement was not met.			
Adjustment				\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="16"/>			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input checked="" type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
				Violation Base Penalty <input type="text" value="\$1,000"/>	
One monthly event is recommended based on the investigation date (July 13, 2009) to the date of compliance (July 29, 2009).					
Good Faith Efforts to Comply		25.0% Reduction		\$250	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="checkbox"/>	(mark with x)			
Notes		The Respondent achieved compliance on July 29, 2009.			
Violation Subtotal				\$750	
Economic Benefit (EB) for this violation					
Estimated EB Amount		<input type="text" value="\$13"/>	Statutory Limit Test		
				Violation Final Penalty Total <input type="text" value="\$970"/>	
This violation Final Assessed Penalty (adjusted for limits)				\$970	

Economic Benefit Worksheet

Respondent: SOUTH TEXAS AGGREGATES, INC.
Case ID No.: 38178
Reg. Ent. Reference No.: RN103991352
Media: Edwards Aquifer
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$6,000	13-Jul-2009	29-Jul-2009	0.04	\$13	n/a	\$13
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a modification to a WPAP. Date required is the investigation date. Final date is the date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$13

Compliance History Report

Customer/Respondent/Owner-Operator: CN601253529 SOUTH TEXAS AGGREGATES, INC. Classification: AVERAGE Rating: 2.83
Regulated Entity: RN103991352 CHAPMAN PLANT Classification: AVERAGE Site Rating: 2.40
ID Number(s): STORMWATER PERMIT TXR05P450
EDWARDS AQUIFER REGISTRATION 13-08051502
Location: ON ST HWY 127, 0.25 M N OF FM 1049,
SABINAL, UVALDE CO, TX.
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: August 05, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 05, 2004 to August 05, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jennifer Graves Phone: 956-430-6023

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/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? NA
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 04/20/2009

ADMINORDER 2008-1352-EAQ-E

Classification: Major

Citation: 30 TAC Chapter 213, SubChapter A 213.4(a)(1)

30 TAC Chapter 213, SubChapter A 213.5(a)(1)

Description: Failure to submit and receive approval of a water pollution abatement plan (WPAP) as required by §213.5(a)(1), prior to commencing regulated activities over the Edwards Aquifer Recharge Zone.

Classification: Major

Citation: 30 TAC Chapter 213, SubChapter A 213.4(a)(1)

30 TAC Chapter 213, SubChapter A 213.5(a)(4)

Description: Failure to submit and receive approval of an aboveground storage tank (AST) facility plan as required by §213.5(a)(4), prior to installing ASTs containing hydrocarbons or hazardous substances over the Edwards Aquifer Recharge Zone.

- 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 12/06/2004 (339732)

2 07/15/2008 (671017)
3 07/24/2008 (687277)
4 04/08/2009 (724466)
5 07/31/2009 (745954)

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

Date: 07/16/2008 (671017) CN601253529
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Complete failure to maintain written records maintained of structural control maintenance and estimated volumes removed from storm water catch basins and sediment ponds? MSGP, Part III, Section A(5)(d); also MSGP, Part III, Section E(5)(e) regarding removal of sludge or other waste from storm water units.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to maintain records of employee training for all employees responsible for implementing or maintaining the activities in the SWP3 conducted at least annually and records of training activities maintained in the SWP3. MSGP, Part III, Section A(5)(f).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to provide current reports of inspections conducted quarterly by qualified individuals to determine the effectiveness of good housekeeping, spill prevention and response, erosion control, maintenance program for structural controls, BMPs, and Employee training, and are the inspections documented using a written checklist. MSGP, Part III, Section A(5)(g).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Quarterly Visual Monitoring- Failure to provide copies of monitoring of each outfall being performed each quarter during daylight and operation hours, and are samples being examined in a well lit area for color, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and odor. MSGP, Part III, Section A(5)(h).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Description: Failure to maintain rain gauge on-site or utilized in the immediate vicinity of the site to determine when a representative storm event occurs. MSGP, Part III, Section C(1)(c).

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
SOUTH TEXAS AGGREGATES, INC.
RN103991352**

§
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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1346-EAQ-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SOUTH TEXAS AGGREGATES, INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent operates a rock quarry on State Highway 127, 0.25 mile north of Farm-to-Market Road 1049 in Sabinal, Uvalde County, Texas (the "Site").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 3, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Hundred Seventy Dollars (\$970) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Seventy-Six Dollars (\$776) of the administrative penalty and

- One Hundred Ninety-Four Dollars (\$194) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that on July 29, 2009, the Respondent received approval for a modification to the Water Pollution Abatement Plan ("WPAP").
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
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11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have failed to receive approval of a modification to a WPAP prior to initiating installation activities of the hot mix plant, in violation of 30 TEX. ADMIN. CODE § 213.4(j) and WPAP No. 13-08051502 Standard Conditions No. 6, as documented during an investigation conducted on July 13, 2009. Specifically, the investigator observed that a hot mix plant was installed prior to the WPAP modification approval.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SOUTH TEXAS AGGREGATES, INC., Docket No. 2009-1346-EAQ-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullivan

For the Executive Director

Date 10/20/2009

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Clay Coleman

Signature

9-16-09

Date

Clay Coleman

Name (Printed or typed)
Authorized Representative of
SOUTH TEXAS AGGREGATES, INC.

Vice President

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.