

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO. 2008-1495-EAQ-E TCEQ ID NOS. RN105532782 & RN104671565 CASE NO. 36557
RESPONDENT NAME: CHARLES KNIGHT AND NANCY KNIGHT

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: 1725 County Road 239, Georgetown, Williamson County (RN105532782 - "Site 1"); and 1153 County Road 239, Florence, Williamson County (RN104671565 - "Site 2")

TYPE OF OPERATION: Properties with rock quarry activity

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.

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 January 4, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-3400
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Samuel Short, Water Enforcement Section, MC 219, (512) 239-5363

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

Respondent: Mr. Charles Knight and Ms. Nancy Knight, 1153 County Road 239, Florence, Texas 76527

Respondent's Attorney: Mr. Stephen C. Dickman, Kelly Hart & Hallman LLP, 301 Congress Ave., Ste. 2000, Austin, Texas 78701

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: July 9, 2008 – September 8, 2008 (Site 1) July 14, 2008 – September 9, 2008 (Site 2)</p> <p>Dates of NOEs Relating to this Case: September 8, 2008 and September 9, 2008</p> <p>Background Facts: The EDRP was filed on February 25, 2009. The Respondents filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on November 7, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>EAQ:</p> <p>Site 1 -</p> <p>1. Failed to obtain approval of an Edwards Aquifer Water Pollution Abatement Plan (“WPAP”) prior to initiating construction activity (PCW 1) [30 TEX. ADMIN CODE § 213.4(a)(1)].</p> <p>2. Failed to obtain approval of an Aboveground Storage Tank (“AST”) Facility Plan prior to beginning a regulated activity over the Edwards Aquifer Recharge Zone (PCW 2) [30 TEX. ADMIN. CODE §§ 213.4(a)(1) and 213.5(a)(4)].</p> <p>Site 2 -</p> <p>3. Failed to obtain approval of an Edwards Aquifer WPAP prior to initiating construction activity (PCW 3) [30 TEX. ADMIN. CODE § 213.4(a)(1)].</p>	<p>Total Assessed: \$11,000</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: \$1,000/\$10,000</p> <p>The Respondent paid \$1,000 of the administrative penalty. The remaining amount of \$10,000 shall be payable in 10 monthly payments of \$1,000 each.</p> <p>Site Compliance History Classifications (Both Sites): <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classifications (Both Respondents): <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source</p> <p>PCWs 1 and 3: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>PCW 2: <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 the TCEQ Austin Regional Office approved the Respondents’ Edwards Aquifer Water Pollution Abatement Plan (“WPAP”), which includes both sites and the Aboveground Storage Tanks (“ASTs”) on Site 1.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	15-Sep-2008			
	PCW	26-Jan-2009	Screening	17-Sep-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Charles Knight and Nancy Knight			Knight Quarry	
Reg. Ent. Ref. No.	RN105532782				
Facility/Site Region	11-Austin		Major/Minor Source	Major	

CASE INFORMATION					
Enf./Case ID No.	36557	No. of Violations	1		
Docket No.	2008-1495-EAQ-E	Order Type	1660		
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Samuel Short		
		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**

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

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

PCW 1

Screening Date 17-Sep-2008

Docket No. 2008-1495-EAQ-E

PCW

Respondent Charles Knight and Nancy Knight

Knight Quarry Policy Revision 2 (September 2002)

Case ID No. 36557

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105532782

Media [Statute] Edwards Aquifer

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)	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%
<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) 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 change recommended due to Average Performer classification.

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

Screening Date 17-Sep-2008 **Docket No.** 2008-1495-EAQ-E **PCW**
Respondent Charles Knight and Nancy Knight Knight Qua *Policy Revision 2 (September 2002)*
Case ID No. 36557 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN105532782
Media [Statute] Edwards Aquifer
Enf. Coordinator Samuel Short

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 213.4(a)(1)
Violation Description Failed to obtain approval of an Edwards Aquifer Water Pollution Abatement Plan ("WPAP") prior to initiating construction activity. Specifically, the investigator observed evidence that rock quarrying activities had been conducted on approximately 30 acres over the Edwards Aquifer Recharge Zone.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 0%	
	Release	Major	Moderate		Minor
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 25%
		x			

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 9 Number of violation days

mark only one with an x

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two weekly events are recommended from September 8, 2008, when the violation was documented to the date of screening, September 17, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EUPRP Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$226 **Violation Final Penalty Total** \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Charles Knight and Nancy Knight

Knight Quarry

Case ID No. 36557

Reg. Ent. Reference No. RN105532782

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
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No commas or \$

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				0.00	\$0	n/a	\$0
Permit Costs	\$6,500	8-Sep-2008	20-May-2009	0.70	\$226	n/a	\$226
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare, submit the application and obtain approval of an Edwards Aquifer WPAP. Date required is the date when the violation was documented. Final date is the expected 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

Approx. Cost of Compliance \$6,500

TOTAL \$226

Compliance History Report

Customer/Respondent/Owner-Operator: CN603449414 KNIGHT, CHARLES Classification: AVERAGE Rating: 3.01
Regulated Entity: RN105532782 KNIGHT QUARRY Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): EDWARDS AQUIFER REGISTRATION 11-08051901
EDWARDS AQUIFER REGISTRATION 11-09080701
STORMWATER PERMIT TXR05X476
Location: 1725 COUNTY ROAD 239, GEORGETOWN, TX, 78633
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: February 25, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 23, 2003 to September 23, 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? No
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
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.)
1 09/08/2008 (687067)
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

CH - 1A

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603449422 KNIGHT, NANCY	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN105532782 KNIGHT QUARRY	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	EDWARDS AQUIFER	REGISTRATION	11-08051901
	EDWARDS AQUIFER	REGISTRATION	11-09080701
	STORMWATER	PERMIT	TXR05X476
Location:	1725 COUNTY ROAD 239, GEORGETOWN, TX, 78633		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	February 25, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 23, 2003 to September 23, 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? | No |
| 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 |
| 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.)
1 09/08/2008 (687067)
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

CH 1B



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	15-Sep-2008			
	PCW	26-Jan-2009	Screening	17-Sep-2008	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Charles Knight and Nancy Knight		Knight Quarry	
Reg. Ent. Ref. No.	RN105532782			
Facility/Site Region	11-Austin	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	36557	No. of Violations	1
Docket No.	2008-1495-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		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**

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

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

PCW 2

Screening Date 17-Sep-2008

Docket No. 2008-1495-EAQ-E

PCW

Respondent Charles Knight and Nancy Knight

Knight Quarry Policy Revision 2 (September 2002)

Case ID No. 36557

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105532782

Media [Statute] Edwards Aquifer

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)	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%
<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) 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 change recommended due to Average Performer classification.

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

Screening Date 17-Sep-2008 **Docket No.** 2008-1495-EAQ-E **PCW**
Respondent Charles Knight and Nancy Knight Knight Quarr, *Policy Revision 2 (September 2002)*
Case ID No. 36557 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN105532782
Media [Statute] Edwards Aquifer
Enf. Coordinator Samuel Short

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 213.4(a)(1) and 213.5(a)(4)
Violation Description Failed to obtain approval of an Aboveground Storage Tank ("AST") Facility Plan prior to beginning a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, the investigator observed three aboveground storage tanks located above the Edwards Aquifer Recharge Zone without an AST Facility Plan.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
				0%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification	x			
				10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 9 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One monthly events is recommended from September 8, 2008, when the violation was documented to the date of screening, September 17, 2008.

Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EUPRP Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$68 **Violation Final Penalty Total** \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Charles Knight and Nancy Knight

Knight Quarry

Case ID No. 36557

Reg. Ent. Reference No. RN105532782

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

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	\$1,950	8-Sep-2008	20-May-2009	0.70	\$68	n/a	\$68
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare, submit the application and obtain approval of an AST Facility Plan. Date required is the date when the violation was documented. Final date is the expected 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

Approx. Cost of Compliance \$1,950

TOTAL \$68

Compliance History Report

Customer/Respondent/Owner-Operator: CN603449414 KNIGHT, CHARLES Classification: AVERAGE Rating: 3.01
Regulated Entity: RN105532782 KNIGHT QUARRY Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): EDWARDS AQUIFER REGISTRATION 11-08051901
EDWARDS AQUIFER REGISTRATION 11-09080701
STORMWATER PERMIT TXR05X476
Location: 1725 COUNTY ROAD 239, GEORGETOWN, TX, 78633
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: February 25, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 23, 2003 to September 23, 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? No
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
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.)
1 09/08/2008 (687067)
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

CH - 2A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	15-Sep-2008		
	PCW	26-Jan-2009	Screening	17-Sep-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Charles Knight and Nancy Knight Texas Quality Stone
Reg. Ent. Ref. No.	RN104671565
Facility/Site Region	11-Austin Major/Minor Source Major

CASE INFORMATION			
Enf./Case ID No.	36557	No. of Violations	1
Docket No.	2008-1495-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		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	\$5,000
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No change recommended due to Average Performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$173	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$5,000

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,000
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$5,000
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PCW 3

Screening Date 17-Sep-2008

Docket No. 2008-1495-EAQ-E

PCW

Respondent Charles Knight and Nancy Knight

Texas Quality : *Policy Revision 2 (September 2002)*

Case ID No. 36557

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN104671565

Media [Statute] Edwards Aquifer

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 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 change recommended due to Average Performer classification.

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

Screening Date 17-Sep-2008 **Docket No.** 2008-1495-EAQ-E **PCW**
Respondent Charles Knight and Nancy Knight Texas Qua *Policy Revision 2 (September 2002)*
Case ID No. 36557 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN104671565
Media [Statute] Edwards Aquifer
Enf. Coordinator Samuel Short

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 213.4(a)(1)
Violation Description Failed to obtain approval of an Edwards Aquifer Water Pollution Abatement Plan ("WPAP") prior to initiating construction activity. Specifically, the investigator observed evidence that rock quarrying activities had been conducted on approximately 5.75 acres over the Edwards Aquifer Recharge Zone.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual				
	Potential				
				Percent 0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 8 Number of violation days

mark only one with an x

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two weekly events are recommended from September 9, 2008, when the violation was documented to the date of screening, September 17, 2008.

Good Faith Efforts to Comply 0.0% Reduction Before NOV \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$173 **Violation Final Penalty Total** \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Charles Knight and Nancy Knight

Texas Quality Stone

Case ID No. 36557

Reg. Ent. Reference No. RN104671565

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
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No commas or \$

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				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	9-Sep-2008	20-May-2009	0.69	\$173	n/a	\$173
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare, submit the application and obtain approval of an Edwards Aquifer WPAP. Date required is the date when the violation was documented. Final date is the expected 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

Approx. Cost of Compliance \$5,000

TOTAL \$173

Compliance History Report

Customer/Respondent/Owner-Operator: CN603449414 KNIGHT, CHARLES Classification: AVERAGE Rating: 3.01
Regulated Entity: RN104671565 TEXAS QUALITY STONE Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s):
Location: 1153 COUNTY ROAD 239, FLORENCE, TX, 76527
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: February 25, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 23, 2003 to September 23, 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
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.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 09/09/2008 (685263)
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

CH - 3A

Compliance History Report

Customer/Respondent/Owner-Operator: CN603449422 KNIGHT, NANCY Classification: AVERAGE Rating: 3.01
Regulated Entity: RN104671565 TEXAS QUALITY STONE Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s):
Location: 1153 COUNTY ROAD 239, FLORENCE, TX, 76527
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: February 25, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 23, 2003 to September 23, 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
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.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 09/09/2008 (685263)
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

CH 3B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	
ENFORCEMENT ACTION	§	BEFORE THE
CONCERNING	§	
CHARLES KNIGHT	§	TEXAS COMMISSION ON
AND NANCY KNIGHT;	§	
RN105532782 AND RN104671565	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1495-EAQ-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 Charles Knight and Nancy Knight (“Mr. and Mrs. Knight”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. and Mrs. Knight, represented by Mr. Stephen C. Dickman of the law firm Kelly Hart & Hallman LLP, appear before the Commission and together stipulate that:

1. Mr. and Mrs. Knight own property with rock quarry activity at the following locations (the “Sites”):
 - a. 1725 County Road 239, Georgetown, Williamson County, Texas (RN105532782) (“Site 1”), and
 - b. 1153 County Road 239, Florence, Williamson County, Texas (RN104671565) (“Site 2”).
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 Mr. and Mrs. Knight agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. and Mrs. Knight are subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. and Mrs. Knight of any violation alleged in Section II (“Allegations”), nor of any statute or rule.

5. An administrative penalty in the amount of eleven thousand dollars (\$11,000.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Mr. and Mrs. Knight paid one thousand dollars (\$1,000.00) of the administrative penalty. The remaining amount of ten thousand dollars (\$10,000.00) of the administrative penalty shall be payable in 10 monthly payments of one thousand dollars (\$1,000.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. and Mrs. Knight fail 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, Mr. and Mrs. Knight’s failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. and Mrs. Knight to timely and satisfactorily comply with all of the terms of this Agreed Order.
6. 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.
7. The Executive Director of the TCEQ and Mr. and Mrs. Knight agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Mr. and Mrs. Knight submitted an Edwards Aquifer Water Pollution Abatement Plan (“WPAP”), which included both sites and the Aboveground Storage Tanks (“ASTs”) on Site 1, which has been reviewed and approved by the TCEQ Austin Regional Office.
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 Mr. and Mrs. Knight have 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

1. During an investigation of Site 1 conducted July 9, 2008 through September 8, 2008, a TCEQ Austin Regional Office investigator documented that Mr. and Mrs. Knight violated:
 - a. 30 TEX. ADMIN. CODE § 213.4(a)(1) by failing to obtain approval of an WPAP prior to initiating construction activity. Specifically, the investigator observed evidence that rock quarrying activities had been conducted on approximately 30 acres over the Edwards Aquifer Recharge Zone.
 - b. 30 TEX. ADMIN. CODE §§ 213.4(a)(1) and 213.5(a)(4) by failing to obtain approval of an AST Facility Plan prior to beginning a regulated activity over the Edwards Aquifer Recharge Zone. Specifically, the investigator observed three ASTs located above the Edwards Aquifer Recharge Zone without an AST Facility Plan.
2. During an investigation of Site 2 conducted July 14, 2008 through September 9, 2008, a TCEQ Austin Regional Office investigator documented that Mr. and Mrs. Knight violated 30 TEX. ADMIN. CODE § 213.4(a)(1) by failing to obtain approval of an Edwards Aquifer WPAP prior to initiating construction activity. Specifically, the investigator observed evidence that rock quarrying activities had been conducted on approximately 5.75 acres over the Edwards Aquifer Recharge Zone.
3. Mr. and Mrs. Knight received notice of the violations at Site 1 on or about September 13, 2008 and the violation at Site 2 on or about September 14, 2008.

III. DENIALS

Mr. and Mrs. Knight generally deny each allegation in Section II (“Allegations”).

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. and Mrs. Knight pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Mr. and Mrs. Knight’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: Charles Knight and Nancy Knight, Docket No. 2008-1495-EAQ-E” to:

Charles Knight and Nancy Knight

Docket No. 2008-1495-EAQ-E

Page 4

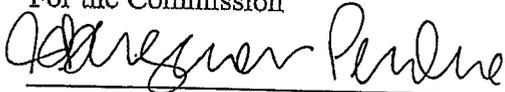
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Mr. and Mrs. Knight. Mr. and Mrs. Knight are 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 Mr. and Mrs. Knight 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.
5. 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 this Agreed Order to Mr. and Mrs. Knight, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. and Mrs. Knight, 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



For the Executive Director

1/11/2009
Date

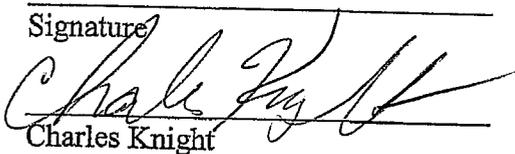
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, 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 Mr. and Mrs. Knight's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. and Mrs. Knight;
- 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 Mr. and Mrs. Knight;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. and Mrs. Knight; and
- TCEQ seeking other relief as authorized by law.

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

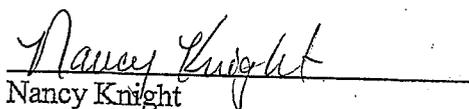
Signature


Charles Knight

11/7/09
Date

Title

Signature


Nancy Knight

11/7/09
Date

Title