EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-0604-AIR-E TCEQ ID RN100887785 CASE NO. 37534
RESPONDENT NAME: FELIX JACKSON DBA JACKSON BROTHERS RANCH

ORDER TYPE:		
_X_ 1660 AGREED ORDER	**__FINDINGS AGREED ORDER**	**__FINDINGS ORDER FOLLOWING SOAH HEARING**
__FINDINGS DEFAULT ORDER	**__SHUTDOWN ORDER**	**__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER**
__AMENDED ORDER	**__EMERGENCY ORDER**	
CASE TYPE:		
_X_ AIR	**__MULTI-MEDIA (check all that apply)**	**__INDUSTRIAL HAZARDOUS WASTE**
__PUBLIC WATER SUPPLY	**__PETROLEUM STORAGE TANKS**	**__OCCUPATIONAL CERTIFICATION**
__WATER QUALITY	**__SEWAGE SLUDGE**	**__UNDERGROUND INJECTION CONTROL**
__MUNICIPAL SOLID WASTE	**__RADIOACTIVE WASTE**	**__DRY CLEANER REGISTRATION**

SITE WHERE VIOLATIONS OCCURRED: South of Farm-to-Market Road 1941 and east of Oyster Bayou, Anahuac, Chambers County

TYPE OF OPERATION: Cattle Ranch

SMALL BUSINESS: __X__ Yes ____ No

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

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 March 1, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Mr. Kirk Schoppe, Air Enforcement Section, MC 149, (512) 239-0489
TCEQ Regional Contact: Mr. Manuel Bautista, Houston Regional Office, MC R-12, (713) 767-3678
Respondent: Mr. Felix Jackson, Owner/Manager, Jackson Brothers Ranch, P. O. Box 216, Anahuac, Texas 77514
Respondent's Attorney: Mr. C. Jake Posey, The Posey Law Firm, P.C., 208 W. 14th Street, Suite 201, Austin, Texas 78701 and Mr. J. Pete Laney, Law Offices of J. Pete Laney, 1122 Colorado St., Suite 111, Austin, Texas 78701

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case**: None **Date of Investigation Relating to this Case**: November 25, 2008 **Date of NOE Relating to this Case**: April 1, 2009 **Background Facts**: The EDPRP was filed on June 24, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on December 23, 2009. **Current Compliance Status:** The Respondent has not yet submitted documentation certifying compliance. **AIR:** 1. Failed to notify and receive authorization prior to conducting outdoor burning [30 TEX. ADMIN. CODE § 111.211(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2. Failed to comply with the general prohibition on outdoor burning [30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed**: $3,500 **Total Deferred**: $0 ___ Expedited Order ___ Financial Inability to Pay ___ SEP Conditional Offset **Total Paid to General Revenue**: $3,500 The Respondent paid the administrative penalty in full. **Site Compliance History Classification:** __ High _X_ Average ___ Poor **Person Compliance History Classification:** __ High _X_ Average ___ Poor **Major Source**: ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Respondent shall undertake the following technical requirements: 1. Within 30 days, implement appropriate measures to minimize and/or avoid the reoccurrence of unauthorized outdoor burning. 2. Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 1.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	6-Apr-2009				
PCW	27-Apr-2009	Screening	28-Apr-2009	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Felix Jackson dba Jackson Brothers Ranch		
Reg. Ent. Ref. No.	RN100887785		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37534	No. of Violations	2
Docket No.	2009-0604-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$3,500**

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**

Notes: No enhancement due to average performer.

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* **$0**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **$0**

Total EB Amounts	$75
Approx. Cost of Compliance	$1,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$3,500**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$3,500**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$3,500**

DEFERRAL **0.0%** Reduction *Adjustment* **$0**

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 **$3,500**

Screening Date	28-Apr-2009	**Docket No.**	2009-0604-AIR-E	**PCW**
Respondent	Felix Jackson dba Jackson Brothers Ranch			*Policy Revision 2 (September 2002)*
Case ID No.	37534			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN100887785			
Media [Statute]	Air			
Enf. Coordinator	Kirk Schoppe			

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 enhancement due to average performer.

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

Screening Date	28-Apr-2009	**Docket No.**	2009-0604-AIR-E	**PCW**
Respondent	Felix Jackson dba Jackson Brothers Ranch			*Policy Revision 2 (September 2002)*
Case ID No.	37534			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN100887785			
Media [Statute]	Air			
Enf. Coordinator	Kirk Schoppe			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 111.211(2)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to notify and receive authorization prior to conducting outdoor burning. Specifically, the Respondent did not notify the Houston Regional Office prior to conducting outdoor burning on October 27, 2008, as documented during an investigation conducted on November 25, 2008.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 1 — 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event recommended based on the unauthorized outdoor burning that occurred on October 27, 2008.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $1,000

Economic Benefit (EB) for this violation

Estimated EB Amount $38

Statutory Limit Test

Violation Final Penalty Total $1,000

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

Economic Benefit Worksheet

Respondent Felix Jackson dba Jackson Brothers Ranch
Case ID No. 37534
Reg. Ent. Reference No. RN100887785
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$250	27-Oct-2008	27-Oct-2009	1.00	$13	n/a	$13
Training/Sampling	$500	27-Oct-2008	27-Oct-2009	1.00	$25	n/a	$25
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to develop and implement standard policies and procedures to ensure proper notification and authorization prior to conducting outdoor burning. Date required is the date of the fire. Final date is estimated 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 $750

TOTAL $38

Screening Date	28-Apr-2009	**Docket No.**	2009-0604-AIR-E	**PCW**
Respondent	Felix Jackson dba Jackson Brothers Ranch			*Policy Revision 2 (September 2002)*
Case ID No.	37534			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN100887785			
Media [Statute]	Air			
Enf. Coordinator	Kirk Schoppe			

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 111.201 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the general prohibition on outdoor burning. Specifically, burning sa marsh grass was observed at the Site on October 27, 2008.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event recommended based on the unauthorized outdoor burning that occurred on October 27 2008.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $2,500

This violation Final Assessed Penalty (adjusted for limits) $2,500

Economic Benefit Worksheet

Respondent Felix Jackson dba Jackson Brothers Ranch
Case ID No. 37534
Reg. Ent. Reference No. RN100887785
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$500	27-Oct-2008	27-Oct-2009	1.00	$25	n/a	$25
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to develop and implement standard policies and procedures to prevent unauthorized outdoor burning activities. Date required is the date of the fire. Final date is the estimated 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 $500

TOTAL $25

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600561864	Felix Jackson dba Jackson Brothers Ranch	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN100887785	JACKSON BROTHERS RANCH	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0087S

Location: FARM-TO-MARKET ROAD 1941 AND EAST OF OYSTER BAYOU IN ANAHUAC, CHAMBERS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 11, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 11, 2004 to May 11, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Kirk Schoppe Phone: 239 - 0489

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?
   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 04/03/2009 (724810)

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 FELIX JACKSON DBA JACKSON BROTHERS RANCH; RN100887785	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2009-0604-AIR-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 Felix Jackson dba Jackson Brothers Ranch ("Mr. Jackson") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Jackson, represented by C. Jake Posey of the Posey Law Firm appear before the Commission and together stipulate that:

1. Mr. Jackson operates a ranch located south of Farm-to-Market Road 1941 and east of Oyster Bayou, Anahuac, Chambers County, Texas (the "Site").

2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. 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. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.

4. The Commission and Mr. Jackson agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Jackson is subject to the Commission's jurisdiction.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Jackson of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand five hundred dollars ($3,500.00) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Mr. Jackson paid three thousand five hundred dollars ($3,500.00) of the administrative penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Mr. Jackson agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Jackson has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on November 25, 2008, a TCEQ Houston Regional Office investigator documented that Mr. Jackson violated:

   a. 30 TEX. ADMIN. CODE § 111.211(2)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to notify and receive authorization prior to conducting outdoor burning. Specifically, Mr. Jackson did not notify the Houston Regional Office prior to conducting outdoor burning on October 27, 2008.

   b. 30 TEX. ADMIN. CODE § 111.201 and Tex. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with the general prohibition on outdoor burning. Specifically, burning salt marsh grass was observed at the Site on October 27, 2008.

2. Mr. Jackson received notice of the violations on or about April 6, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Jackson pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Jackson'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: Felix Jackson dba Jackson Brothers Ranch, Docket No. 2009-0604-AIR-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. Mr. Jackson shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, Mr. Jackson shall implement appropriate measures to minimize and/or avoid the reoccurrence of unauthorized outdoor burning; and

   b. Within 45 days after the effective date of this Agreed Order, Mr. Jackson shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      > "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      Mr. Jackson shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

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

and

Mr. Manuel Bautista, Air Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Ave., Ste. H
Houston TX 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Jackson. Mr. Jackson 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.

4. If Mr. Jackson fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Jackson's failure to comply is not a violation of this Agreed Order. Mr. Jackson shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Jackson shall notify the Executive Director within seven days after Mr. Jackson becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Jackson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Jackson receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Jackson in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Mr. Jackson, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Jackson, 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

_____ 2/3/2010
For the Executive Director 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. Jackson's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Jackson;
- 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. Jackson;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Jackson; and
- TCEQ seeking other relief as authorized by law.

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

_____ 12/23/09
Signature Date

FELIX H. JACKSON MANAGER
Name (Printed or typed) Title
Authorized representative of
Felix Jackson dba Jackson Brothers
Ranch