

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-2083-WOC-E RN105600928 CASE NO. 38896
RESPONDENT NAME: JIM OXFORD

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Country Villa Mobile Home Park, approximately 2 miles east of Beeville on Highway 202, Beeville, Bee County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: N/A

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location (2010-0447-PWS-E in re: Trudy J. Gillem, Owner).

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 May 31, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-3400
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeodur, Water Enforcement Section, MC 169, (512) 239-1482

TCEQ Regional Contact: Mr. Kelly Ruble, Corpus Christi Regional Office, MC R-14, (361) 825-3113

Respondent: Mr. Jim Oxford, 140 Private Oxford Lane #37, Beeville, Texas 78102;
Mr. Jim Oxford, 140 Private Oxford Lane #5, Beeville, Texas 78102

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input 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>Date of Investigation Relating to this Case: September 29, 2009</p> <p>Date of NOE Relating to this Case: November 13, 2009</p> <p>Background Facts: The EDPRP was filed on February 22, 2010. Settlement was achieved and the agreed order was signed on April 5, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>WOC: Failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water [30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b), TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and TCEQ Field Citation No. 10736].</p>	<p>Total Assessed: \$9,872</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: \$282/\$9,590</p> <p>Respondent paid \$282 of the administrative penalty. The remaining amount of \$9,590 shall be payable in 35 monthly payments of \$274 each.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Indifference to legal duty based on violation of a previous enforcement order (Field Citation No. 10736/2008-1757-WOC-E).</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, cease operating the Facility until such time that an effective valid Class "D" public water system operator license has been obtained. 2. Within 15 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Nov-2009	Screening	25-Nov-2009	EPA Due	
	PCW	25-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jim Oxford
Reg. Ent. Ref. No.	RN105600928
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38896	No. of Violations	1
Docket No.	2009-2083-WOC-E	Order Type	Findings
Media Program(s)	All Occupational Licenses	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,125
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$1,625
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Notes: Enhancement due to one prior agreed order containing a denial of liability.

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
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$122
 Approx. Cost of Compliance \$111
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.3%	Adjustment	\$122
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs.

Final Penalty Amount	\$9,872
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,872
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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: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$9,872
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Screening Date 25-Nov-2009

Docket No. 2009-2083-WOC-E

PCW

Respondent Jim Oxford

Policy Revision 2 (September 2002)

Case ID No. 38896

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105600928

Media [Statute] All Occupational Licenses

Enf. Coordinator Andrea Linson-Mgbeoduru

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>	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%
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%

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) 20%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement due to one prior agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 25-Nov-2009

Docket No. 2009-2083-WOC-E

PCW

Respondent Jim Oxford

Policy Revision 2 (September 2002)

Case ID No. 38896

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105600928

Media [Statute] All Occupational Licenses

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s) Tex. Admin. Code §§ 30.5(a) and 30.381(b), Tex. Water Code § 37.003, Tex. Health & Safety Code § 341.034(b), and TCEQ Field Citation No. 10736

Violation Description Failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water. Specifically, the Respondent was operating Country Villa Mobile Home Park ("the Facility") public water supply without a valid Class D water operator license.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Without a licensed operator conducting monthly bacteriological sampling, improper sampling could result in customers of the water supply being exposed to contaminants which would exceed levels that are protective of human health.

Adjustment \$1,875

\$625

Violation Events 9/29/2009

Number of Violation Events 13 Number of violation days 220

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$8,125

Thirteen monthly events are recommended, calculated from the date of the first sample after settlement of Field Citation No. 10736, October 28, 2008, to the screening date, November 25, 2009.

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 \$8,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$122

Violation Final Penalty Total \$9,872

This violation Final Assessed Penalty (adjusted for limits) \$9,872

Economic Benefit Worksheet

Respondent Jim Oxford
Case ID No. 38896
Req. Ent. Reference No. RN105600928
Media All Occupational Licenses
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				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$111	11-Aug-2008	29-Sep-2009	2.05	\$11	\$111	\$122

Notes for AVOIDED costs

The avoided costs includes the estimated amount to obtain a Class D Water Operators license (\$111 for the exam). The date required is the date initially documenting the violation. The final date is the estimated date of compliance.

Approx. Cost of Compliance

\$111

TOTAL

\$122

Compliance History Report

Customer/Respondent/Owner-Operator: CN603395724 OXFORD, JIM Classification: Rating:
Regulated Entity: RN105600928 JIM OXFORD Classification: Site Rating:
ID Number(s):
Location: 241 PRIVATE OXFORD LN # 5, BEEVILLE, TX, 78102
TCEQ Region: REGION 14 - CORPUS CHRISTI
Date Compliance History Prepared: June 28, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 25, 2004 to November 25, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

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: 9/1/2009 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 2008-1757-WOC-E

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter A 30.5(a)

Description: Field citation No. 10736 - Failure to obtain an occupational license.

- 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 09/26/2008 (689496)

2 11/13/2009 (777801)

- 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
JIM OXFORD;
RN105600928**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-2083-WOC-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Jim Oxford (“Mr. Oxford”) under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Oxford presented this agreement to the Commission.

Mr. Oxford understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Oxford agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Oxford.

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

FINDINGS OF FACT

1. Mr. Oxford operates a public water system located at Country Villa Mobile Home Park, approximately 2 miles east of Beeville on Highway 202, Beeville, Bee County, Texas (the “Facility”).
2. The Facility has 30 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). Mr. Oxford performs process control duties in the production or distribution of drinking water for the Facility.
3. During a record review conducted on September 29, 2009, a TCEQ Corpus Christi Regional Office investigator documented that Mr. Oxford failed to obtain a valid water system

operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water. Specifically, Mr. Oxford was operating the Facility without a valid Class "D" water operator license when he submitted bacteriological samples to the Corpus Christi Nueces County Health Department laboratory on October 28, 2008, November 21, 2008, December 29, 2008, January 29, 2009, February 26, 2009, March 31, 2009, April 30, 2009, May 28, 2009, June 9, 2009, July 24, 2009, August 24, 2009, September 30, 2009, and October 15, 2009.

4. Mr. Oxford received notice of the violations on or about November 18, 2009.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Mr. Oxford is subject to the jurisdiction of the TCEQ pursuant to the TEX. WATER CODE ch. 37, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Mr. Oxford failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water, in violation of 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b), TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and TCEQ Field Citation No. 10736.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Oxford for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of nine thousand eight hundred seventy-two dollars (\$9,872.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Mr. Oxford paid two hundred eighty-two dollars (\$282.00) of the administrative penalty. The remaining amount of nine thousand five hundred ninety dollars (\$9,590.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred seventy-four dollars (\$274.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Mr. Oxford fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Oxford to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Oxford to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Oxford is assessed an administrative penalty in the amount of nine thousand eight hundred seventy-two dollars (\$9,872.00) as set forth in Conclusion of Law No. 4, above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Oxford's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Jim Oxford; Docket No. 2009-2083-WOC-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. Oxford shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Mr. Oxford shall cease operating the Facility until such time that an effective valid Class "D" public water system operator license has been obtained, in accordance with 30 TEX. ADMIN. CODE §§ 30.5 and 30.381; and
 - b. Within 15 days after the effective date of this Agreed Order, Mr. Oxford shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. above.

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. Oxford shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

with a copy to:

Mr. Kelly Ruble, Water Section Manager
Texas Commission on Environmental Quality
NRC Bldg., Ste. 1200
6300 Ocean Dr., Unit 5839
Corpus Christi, Texas 78412-5839

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Oxford. Mr. Oxford is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Oxford 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. Oxford's failure to comply is not a violation of this Agreed Order. Mr. Oxford has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Oxford shall notify the Executive Director within seven days after Mr. Oxford 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. Oxford shall be made in writing to the Executive Director. Extensions are not effective until Mr. Oxford receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Oxford if the Executive Director determines that Mr. Oxford has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.

8. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Oxford 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Mr. Oxford, or three days after the date on which the Commission mails notice of this Agreed Order to Jim Oxford, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Robertson Perdue
For the Executive Director

6/25/2010

Date

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

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

- A negative impact on Mr. Oxford's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Oxford;
- 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. Oxford;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Oxford; and
- TCEQ seeking other relief as authorized by law.

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

Jim Oxford
Signature

4-5-2010
Date

JAMES OXFORD
Name (printed or typed)
Authorized Representative
Jim Oxford

PART OWNER
Title