

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2010-0385-OSS-E

RN105804231

CASE NO. 39285

RESPONDENT NAME: GREG LARSON AND KARLA LARSON

ORDER TYPE:		
<input type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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"/> ON-SITE SEWAGE FACILITY
<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: 288 County Road 201, Brady, McCulloch County

TYPE OF OPERATION: On-Site Sewage Facility ("OSSF")

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that Respondents have altered their existing unpermitted septic system to serve two additional mobile structures recently located on the site. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not expressed a desire to protest this action or speak at Agenda. No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired November 22, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Sharesa Y. Alexander, Litigation Division, MC 175, (512) 239-3503
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Steve Villatoro, Water Enforcement Section, MC 169, (512) 239-4930

TCEQ Regional Contact: Mark Newman, San Angelo Regional Office, MC R-8, (325) 655-9479

Respondent: Greg Larson and Karla Larson, 288 County Road 201, Brady, Texas 76825

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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint: September 11, 2009</p> <p>Date of Investigation: January 19, 2010</p> <p>Date of NOE: February 12, 2010</p> <p>Background Facts: The EDPRP was filed on June 29, 2010, and mailed to Respondents via first class mail and certified mail, return receipt requested. According to the return receipt "green card," Respondents received the EDPRP on July 9, 2010. The EDFARP was filed on August 20, 2010, mailed to Respondents via first class mail and certified mail, return receipt requested. According to the return receipt "green card," Respondents received the EDFARP on August 30, 2010. Respondents failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Respondents have not yet submitted documentation to certify compliance with the technical requirements.</p> <p>OSS: Failed to obtain authorization to construct an OSSF [30 TEX. ADMIN. CODE § 285.3(b)(1) and TEX. HEALTH & SAFETY CODE § 366.051(a)].</p>	<p>Total Assessed: \$525</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$525</p> <p>This is a Default Order. Respondents have not actually paid any of the assessed administrative penalty but will be required to do so within 30 days under the terms of this Order.</p> <p>Compliance History Classifications: (Both Respondents) <i>Person/CN</i> – N/A <i>Site/RN</i> – N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondents shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, complete and submit the required on-site sewage disposal system application and application fee. 2. Within 45 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Feb-2010	Screening	9-Mar-2010	EPA Due	
	PCW	8-Jun-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Greg Larson and Karla Larson		
Reg. Ent. Ref. No.	RN105804231		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39285	No. of Violations	1
Docket No.	2010-0385-OSS-E	Order Type	1660
Media Program(s)	On-Site Sewage Disposal	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team_1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5.0% Enhancement *Subtotals 2, 3, & 7* **\$25**

Notes: The penalty is enhanced due to one NOV with similar violations to those cited in this action.

Culpability No 0.0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondents do 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 \$12
 Approx. Cost of Compliance \$250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$525**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$525**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$525**

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

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

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$525**

Screening Date 9-Mar-2010

Docket No. 2010-0385-OSS-E

PCW

Respondent Greg Larson and Karla Larson

Policy Revision 2 (September 2002)

Case ID No. 39285

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105804231

Media [Statute] On-Site Sewage Disposal

Enf. Coordinator Steve Villatoro

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)	1	5%
	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) 5%

>> 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

The penalty is enhanced due to one NOV with similar violations to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 9-Mar-2010

Docket No.: 2010-0385-OSS-E

PCW

Respondent Greg Larson and Karla Larson

Policy Revision 2 (September 2002)

Case ID No. 39285

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105804231

Media [Statute] On-Site Sewage Disposal

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 285.3(b)(1) and Tex. Health & Safety Code § 366.051(a)

Violation Description

Failed to obtain authorization to construct an on-site sewage facility ("OSSF"). Specifically, the Respondents altered an existing OSSF on their property without first obtaining the required authorization, as documented during an investigation conducted on January 19, 2010.

Base Penalty \$2,500

>> 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 \$2,250

\$250

Violation Events

Number of Violation Events 2

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the investigation (January 19, 2010) to the date of screening (March 9, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent: Greg Larson and Karla Larson

Case ID No.: 39285

Reg. Ent. Reference No.: RN105804231

Media: On-Site Sewage Disposal

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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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	\$250	11-Sep-2009	31-Aug-2010	0.97	\$12	n/a	\$12
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an application for an OSSF for a single-family dwelling. Date required is the date the violation was first 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	\$250	TOTAL	\$12
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN603642794 Karla Larson	Classification:	Rating:
Regulated Entity:	RN105804231 OSSF 288 CR 201	Classification:	Site Rating:
ID Number(s):			
Location:	288 COUNTY ROAD 201, McCulloch County, Texas, 76825		
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	March 08, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 18, 2005 to February 18, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Steve Villatoro	Phone:	512-239-4930

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.

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	02/12/2010	(789006)
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- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/16/2009 (781634)	
Self Report?	NO	Classification: Major
Citation:	30 TAC Chapter 285, SubChapter A 285.3(b)(1) 5B THSC Chapter 366, SubChapter A 366.004	
Description:	Failure to obtain Authorization to Construct (ATC), prior to altering, repairing or extending an On-Site Sewage Facility (OSSF).	
- 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

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603535071 Greg Larson	Classification:	Rating:
Regulated Entity:	RN105804231 OSSF 288 CR 201	Classification:	Site Rating:
ID Number(s):			
Location:	288 COUNTY ROAD 201, McCulloch County, Texas, 76825		
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	February 18, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 18, 2005 to February 18, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Steve Villatoro	Phone:	512-239-4930

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. | |

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 02/12/2010 (789006)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 Date: 11/16/2009 (781634)
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 285, SubChapter A 285.3(b)(1)
 5B THSC Chapter 366, SubChapter A 366.004
 Description: Failure to obtain Authorization to Construct (ATC), prior to altering,
 repairing or extending an On-Site Sewage Facility (OSSF).
- 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
GREG LARSON AND
KARLA LARSON;
RN105804231

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§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2010-0385-OSS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 366, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are Greg Larson ("Mr. Larson") and Karla Larson ("Mrs. Larson") (jointly referred to as "Respondents").

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

FINDINGS OF FACT

1. Respondents constructed, installed, altered and/or repaired an On-Site Sewage Facility ("OSSF") at 288 County Road 201, Brady, McCulloch County, Texas (the "Site").
2. The Site is an OSSF as defined in TEX. HEALTH & SAFETY CODE § 366.002 and 30 TEX. ADMIN. CODE § 285.2(45).
3. During an investigation conducted on January 19, 2010, a TCEQ San Angelo Regional investigator documented that Respondents failed to obtain authorization to construct an OSSF. Specifically, Respondents added an additional access point and sewer pipe fitting to an existing OSSF on their property without first obtaining the required authorization.
4. Respondents received notice of the violation on or about February 17, 2010.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greg

Larson and Karla Larson” (the “EDPRP”) in the TCEQ Chief Clerk’s office on June 29, 2010.

6. By letter dated June 29, 2010 sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt “green card,” Respondents received notice of the EDPRP on July 9, 2010, as evidenced by the signature on the card.
7. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greg Larson and Karla Larson” (the “EDFARP”) in the TCEQ Chief Clerk’s office on August 20, 2010.
8. By letter dated August 20, 2010 sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDFARP. According to the return receipt “green card,” Respondents received notice of the EDFARP on August 30, 2010, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Respondents received notice of the EDPRP and the EDFARP, provided by the Executive Director. Respondents failed to file an answer to either the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 366 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Respondents failed to obtain authorization to alter an OSSF, in violation of 30 TEX. ADMIN. CODE § 285.3(b)(1) and TEX. HEALTH & SAFETY CODE § 366.051(a).
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

4. As evidenced by Findings of Fact Nos. 7 and 8, the Executive Director timely served Respondents with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 9, Respondents failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondents and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondents 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.
7. An administrative penalty in the amount of five hundred twenty-five dollars (\$525.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty in the amount of five hundred twenty-five dollars (\$525.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. \
2. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Greg Larson and Karla Larson; Docket No. 2010-0385-OSS-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

3. Respondents shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, Respondents shall complete and submit the required on-site sewage disposal system application and application fee to the following address:

Mr. Mark Newman, Water Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 S. Oakes, Suite K
San Angelo, Texas 76903-7035

- b. Within 45 days after the effective date of this Order, Respondents 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."

Respondents 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

with a copy to:

Mr. Mark Newman, Waste Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 S. Oakes, Suite K
San Angelo, Texas 76903-7035

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
6. If Respondents fail to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondents' failure to comply is not a violation of this Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. 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 Respondents if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Greg Larson and Karla Larson
Docket No. 2010-0385-OSS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF SHARESASA Y. ALEXANDER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Sharesa Y. Alexander. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

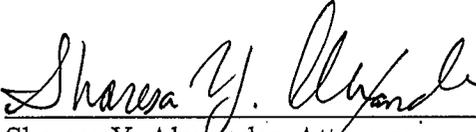
On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greg Larson and Karla Larson” (the “EDPRP”) was filed with the Office of the Chief Clerk on June 29, 2010.

The EDPRP was mailed to Respondents at their last known address on June 29, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Respondents received notice of the EDPRP on July 9, 2010, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greg Larson and Karla Larson” (the “EDFARP”) was filed with the Office of the Chief Clerk on August 20, 2010.

The EDFARP was mailed to Respondents at their last known address on August 20, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Respondents received notice of the EDFARP on August 30, 2010, as evidenced by the signature on the card.

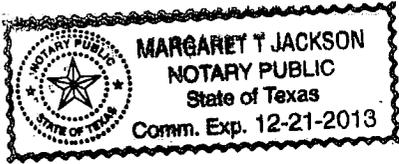
More than 20 days have elapsed since Respondents received notice of the EDPRP and the EDFARP. Respondents failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.”



Sharesa Y, Alexander, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Sharesa Y. Alexander, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 23rd day of September A.D., 2010.



Margaret Jackson
Notary Signature