

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

DOCKET NO. 2010-0945-WQ-E

RN105830517

CASE NO. 39844

**RESPONDENT NAME: RANDY HEBERT**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA</b> (check all that apply)	<input type="checkbox"/> <b>INDUSTRIAL HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input checked="" type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>

**SITE WHERE VIOLATION(S) OCCURRED:** Woodridge Drive, approximately one-half mile off Highway 12, Mauriceville, Orange County

**TYPE OF OPERATION:** Construction site

**SMALL BUSINESS:**  Yes  No  N/A

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

**INTERESTED PARTIES:** No one other than the ED and Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired December 6, 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:** Cheryl Thompson, Air Enforcement Section, MC R-4, (817) 588-5886

**TCEQ Regional Contact:** Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838

**Respondent:** Randy Hebert, Owner, P O Box 6, Mauriceville, Texas 77626

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

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint:</b>                      N/A</p> <p><b>Date of Investigation:</b>                      May 11, 2010</p> <p><b>Date of NOE:</b>                      May 21, 2010</p> <p><b>Background Facts:</b>                      The EDPRP was filed on September 29, 2010. The Agreed Order was signed on October 12, 2010.</p> <p><b>Current Compliance Status:</b>                      No outstanding technical requirements.</p> <p><b>WQ:</b>                      Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c)].</p>	<p><b>Total Assessed:</b> \$950</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$950</p> <p>Respondent paid \$950 of the administrative penalty.</p> <p><b>Compliance History Classifications:</b>  <i>Person/CN</i> – Not yet rated  <i>Site/RN</i> – Not yet rated</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b>                      The Executive Director recognizes that Respondent obtained authorization to discharge storm water under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR15QD16 on June 17, 2010.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	24-May-2010			
	<b>PCW</b>	13-Sep-2010	<b>Screening</b>	7-Jun-2010	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Randy Hebert				
<b>Reg. Ent. Ref. No.</b>	RN105830517				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	39844	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2010-0945-WQ-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson		
		<b>EC's Team</b>	Enforcement Team 3		
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$10,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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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.

<b>Compliance History</b>	5.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$50
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<b>Notes</b>	The Respondent received one NOV for the same violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$100
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$67	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$950
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$950
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$950
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$950
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**Screening Date** 7-Jun-2010

**Docket No.** 2010-0945-WQ-E

**PCW**

**Respondent** Randy Hebert

*Policy Revision 2 (September 2002)*

**Case ID No.** 39844

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN105830517

**Media [Statute]** Water Quality

**Enf. Coordinator** Cheryl Thompson

### 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> )	1	5%
	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)** 5%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

The Respondent received one NOV for the same violations.

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

<b>Screening Date</b> 7-Jun-2010	<b>Docket No.</b> 2010-0945-WQ-E	<b>PCW</b>														
<b>Respondent</b> Randy Hebert		Policy Revision 2 (September 2002)														
<b>Case ID No.</b> 39844		PCW Revision October 30, 2008														
<b>Reg. Ent. Reference No.</b> RN105830517																
<b>Media [Statute]</b> Water Quality																
<b>Enf. Coordinator</b> Cheryl Thompson																
<b>Violation Number</b>	1															
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)															
<b>Violation Description</b>	Failed to obtain authorization to discharge storm water associated with construction activities. Specifically, the Respondent failed to submit a Notice of Intent at least seven days prior to commencing construction activities.															
	<b>Base Penalty</b>	\$10,000														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
<b>OR</b>	<b>Harm</b>															
	Release    Major    Moderate    Minor															
	Actual		<b>Percent</b> <input style="width: 40px;" type="text" value="0%"/>													
Potential																
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification    Major    Moderate    Minor															
	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black;"></td> <td style="width: 25%; border: 1px solid black; text-align: center;">x</td> <td style="width: 25%; border: 1px solid black;"></td> <td style="width: 25%; border: 1px solid black;"></td> </tr> </table>		x			<b>Percent</b> <input style="width: 40px;" type="text" value="10%"/>										
	x															
<b>Matrix Notes</b>	100% of the rule requirement was not met.															
	<b>Adjustment</b>	\$9,000														
		\$1,000														
<b>Violation Events</b>																
	Number of Violation Events <input style="width: 40px;" type="text" value="1"/>	<input style="width: 40px;" type="text" value="27"/> Number of violation days														
mark only one with an x	<table style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">weekly</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">annual</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">single event</td><td style="border: 1px solid black; width: 40px; height: 15px;"></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		<b>Violation Base Penalty</b> <input style="width: 40px;" type="text" value="\$1,000"/>
daily																
weekly																
monthly	x															
quarterly																
semiannual																
annual																
single event																
	One monthly event is recommended from the period of May 11, 2010 (date of investigation) to June 7, 2010 (date of screening).															
<b>Good Faith Efforts to Comply</b>	<b>10.0%</b> Reduction	\$100														
	Before NOV    NOV to EDPRP/Settlement															
Extraordinary		<b>Violation Subtotal</b> <input style="width: 40px;" type="text" value="\$900"/>														
Ordinary	x															
N/A	(mark with x)															
<b>Notes</b>	The Respondent achieved compliance on June 17, 2010.															
<b>Economic Benefit (EB) for this violation</b>																
<b>Statutory Limit Test</b>																
<b>Estimated EB Amount</b>	\$67	<b>Violation Final Penalty Total</b> <input style="width: 40px;" type="text" value="\$950"/>														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 40px;" type="text" value="\$950"/>															

## Economic Benefit Worksheet

**Respondent** Randy Hebert  
**Case ID No.** 39844  
**Reg. Ent. Reference No.** RN105830517  
**Media** Water Quality  
**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	\$2,000	16-Oct-2009	17-Jun-2010	0.67	\$67	n/a	\$67
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost associated with preparing, submitting, and obtaining a permit and developing and implementing a storm water pollution prevention plan for approximately 5 acres. The date required is date the violation was first documented. The final date is the 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	\$2,000	<b>TOTAL</b>	\$67
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN603580069 HEBERT, RANDY Classification: Rating:  
Regulated Entity: RN105830517 STONE RIDGE SUBDIVISION Classification: Site Rating:  
ID Number(s):  
Location: WOODRIDGE DRIVE, APPROXIMATELY ONE HALF MILE  
OFF OF HIGHWAY 12, MAURICEVILLE, ORANGE  
COUNTY, TEXAS  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: June 08, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 08, 2005 to June 08, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Cheryl Thompson Phone: (817) 588-5886

## 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

## 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 | 01/08/2010 | (786811) |
| 2 | 05/21/2010 | (802285) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |                          |
|--------------|--|--------------------------|
| Date:        | 11/10/2009   | (781650)                 |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 281, SubChapter A 281.25(a)(4)<br>TXR150000 Part II Section E (3) PERMIT          |                          |
| Description: | Failure by Mr. Randy Hebert to obtain permit coverage before commencing construction activities. |                          |
- 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  
RANDY HEBERT;  
RN105830517**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-0945-WQ-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Randy Hebert ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent appear before the Commission and together stipulate that:

1. Respondent is the land owner and developer of the Stone Ridge construction site, located on Woodridge Drive, approximately one-half mile off Highway 12 in Mauriceville, Orange County, Texas (the "Site"). Respondent has discharged waste from the Site into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
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 Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of nine hundred fifty dollars (\$950.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid nine hundred fifty dollars (\$950.00) of the administrative penalty.
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 Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.

8. The Executive Director recognizes that Respondent obtained authorization to discharge storm water under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR15QD16 on June 17, 2010.
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 Respondent 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 May 11, 2010, a TCEQ Austin Regional Office investigator documented that Respondent violated 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(c), by failing to obtain authorization to discharge storm water associated with construction activities. Specifically, Respondent failed to submit a Notice of Intent at least seven days prior to commencing construction activities.
2. Respondent received notice of the violation on or about May 26, 2010.

## **III. DENIALS**

Respondent generally denies each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from 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: Randy Hebert, Docket No. 2010-0945-WQ-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

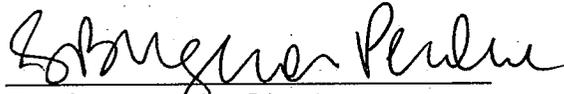
2. All relief not expressly granted in this Agreed Order is denied.
3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Respondent 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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 this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

4/7/2011

\_\_\_\_\_  
Date

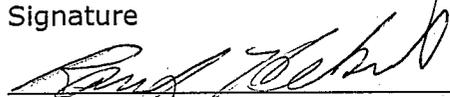
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Randy Hebert, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty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

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

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

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

\_\_\_\_\_  
Signature



\_\_\_\_\_  
Signature - **Randy Hebert**, Owner & Developer  
Stone Ridge

\_\_\_\_\_  
Date

10-12-10

\_\_\_\_\_  
Date