

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43085
GREEN LAND VENTURES, LTD.
RN105004683
Docket No. 2011-2249-EAQ-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

EAQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

north side of Boerne Stage Road, 2.5 miles west of Interstate 10, San Antonio, Bexar County

Type of Operation:

land development and residential site

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 26, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,250

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$5,250

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): November 10, 2009; April 18, 2012
Complaint Information: Alleged that two basins at the site had been holding water for the last several months.
Date(s) of Investigation: August 10, 2011-September 12, 2011
Date(s) of NOV(s): March 26, 2010
Date(s) of NOE(s): October 21, 2011

Violation Information

1. Failed to ensure that permanent best management practices (“BMPs”) are implemented and function as designed [30 TEX. ADMIN. CODE § 213.23(j) and Edwards Aquifer Contributing Zone Plan No. 13-06072402A, Standard Conditions No. 14].
2. Failed to maintain the permanent BMPs after construction [30 TEX. ADMIN. CODE § 213.23(j) and Edwards Aquifer Contributing Zone Plan No. 13-06072402A, Standard Conditions No. 15].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 30 days, complete construction of the permanent BMPs, in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A.
2. Within 60 days:
 - a. Provide certifications from a licensed Professional Engineer stating that the basins were designed and constructed in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A; and
 - b. Begin Maintaining the permanent BMPs in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A.
3. Within 75 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 and 2.

Litigation Information

Date Petition(s) Filed: July 18, 2012
Date Green Card(s) Signed: August 6, 2012
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jim Sallans, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, (512) 239-2543
TCEQ Regional Contact: Lynn Bumguardner, San Antonio Regional Office, (210) 403-4050
Respondent: Dana Green, President, GREEN LAND VENTURES, LTD., 505 Madison Oak Drive, San Antonio, Texas 78248
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-Oct-2011	Screening	10-Nov-2011	EPA Due	
	PCW	31-May-2012				

RESPONDENT/FACILITY INFORMATION			
Respondent	GREEN LAND VENTURES, LTD.		
Reg. Ent. Ref. No.	RN105004683		
Facility/Site Region	13-San Antonio	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	43085	No. of Violations	2
Docket No.	2011-2249-EAQ-E	Order Type	1660
Media Program(s)	Edwards Aquifer	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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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.

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$250
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Notes	Enhancement for one NOV with same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$1,760	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$30,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$5,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,250
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$5,250
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Screening Date 10-Nov-2011

Docket No. 2011-2249-EAQ-E

PCW

Respondent GREEN LAND VENTURES, LTD.

Policy Revision 2 (September 2002)

Case ID No. 43085

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105004683

Media [Statute] Edwards Aquifer

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("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)

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

Enhancement for one NOV with same/similar violations.

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

Screening Date 10-Nov-2011

Docket No. 2011-2249-EAQ-E

PCW

Respondent GREEN LAND VENTURES, LTD.

Policy Revision 2 (September 2002)

Case ID No. 43085

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105004683

Media [Statute] Edwards Aquifer

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 213.23(j) and Edwards Aquifer Contributing Zone Plan ("CZP") No. 13-06072402A, Standard Conditions No. 14

Violation Description Failed to ensure that the permanent best management practices ("BMPs") and measures are constructed and function as designed, as documented during an investigation conducted on August 10, 2011. Specifically, the sediment depth markers could not be located in Basin Nos. 1 and 2; the walls of Basin Nos. 1 and 2 did not appear to be stabilized to prevent soil erosion; the required 18-inch layer of concrete washed sand was not present in Basin Nos. 1 and 2; and the inlet, flow-splitting structure, and discharge pipe for Basin No. 2 were not constructed at the correct elevation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would 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 92 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the date of the investigation (August 10, 2011) to the screening date (November 10, 2011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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

Statutory Limit Test

Estimated EB Amount \$1,558

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent GREEN LAND VENTURES, LTD.
Case ID No. 43085
Reg. Ent. Reference No. RN105004683
Media Edwards Aquifer
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$25,000	10-Aug-2011	30-Jun-2012	0.89	\$74	\$1,484	\$1,558
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

Estimated cost to complete construction of the permanent BMPs and measures in accordance with Edwards Aquifer CZP No. 13-06072402A, to provide basin certifications from a Texas Licensed Professional Engineer stating that the basins were constructed as designed, and to ensure that the permanent BMPs and measures function as designed. Date required is the date of the investigation and 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

\$25,000

TOTAL

\$1,558

Screening Date 10-Nov-2011

Docket No. 2011-2249-EAQ-E

PCW

Respondent GREEN LAND VENTURES, LTD.

Policy Revision 2 (September 2002)

Case ID No. 43085

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105004683

Media [Statute] Edwards Aquifer

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 213.23(j) and Edwards Aquifer CZP No. 13-06072402A, Standard Conditions No. 15

Violation Description Failed to maintain the permanent BMPs after construction, as documented during an investigation conducted on August 10, 2011. Specifically, in Basin Nos. 1 and 2, standing water was observed, severe erosion of the banks was documented, loose soil and sediment were covering the floor of Basin Nos. 1 and 2, and a large accumulation of sediment was noted in the flow-splitting structure of Basin No. 2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would 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 92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended from the date of the investigation (August 10, 2011) to the screening date (November 10, 2011).

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

Statutory Limit Test

Estimated EB Amount \$202

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent GREEN LAND VENTURES, LTD.
Case ID No. 43085
Reg. Ent. Reference No. RN105004683
Media Edwards Aquifer
Violation No. 2

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)	\$5,000	10-Aug-2011	31-May-2012	0.81	\$202	n/a	\$202

Notes for DELAYED costs

Estimated cost to maintain the permanent BMPs in accordance with Edwards Aquifer CZP No. 13-06072402A, and to provide a protocol describing how future maintenance will be completed. Date required is the date of the investigation and final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$202

Compliance History

Customer/Respondent/Owner-Operator: CN602815623 GREEN LAND VENTURES, LTD. Classification: AVERAGE Rating: 4.75
Regulated Entity: RN105004683 RIVER ROCK RANCH Classification: AVERAGE Site Rating: 12.00
ID Number(s): EDWARDS AQUIFER REGISTRATION 13-06072402
EDWARDS AQUIFER REGISTRATION 13-06072402A
Location: NORTH SIDE OF BOERNE STAGE ROAD AND 2.5 MILES WEST OF INTERSTATE HIGHWAY 10,
SAN ANTONIO, BEXAR COUNTY, TEXAS
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: December 05, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 05, 2006 to December 05, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: JR Cao Phone: (512) 239-2543

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 10/24/2011 (958777)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 03/26/2010 (794825) CN602815623
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 213, SubChapter B 213.23(j)
Description: Failure to comply with Standard Condition No. 14 of the July 3, 2008 CZP approval letter by failing to insure that the permanent BMPs and measures are constructed and function as designed.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 213, SubChapter B 213.23(j)
Description: Failure to comply with Standard Condition No. 15 of the July 3, 2008 CZP approval letter by failing to maintain the permanent BMPs.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 213, SubChapter B 213.23(j)
Description: Failure to comply with Standard Condition No. 2 of the September 13, 2006 CZP approval letter and Special Condition No. I of the July 3, 2008 CZP approval letter by failing to deed record the approval letters within 60 days of receiving written approval of the Edwards Aquifer protection plans.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 213, SubChapter B 213.23(j)
Description: Failure to comply with Standard Condition No. 5 of the September 13, 2006 CZP approval letter and Standard Condition No. 6 of the July 3, 2008 approval letter by failing to provide written notification of intent to commence construction no later than 48 hours prior to commencement of the regulated activity.
- 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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GREEN LAND VENTURES, LTD.;
RN105004683**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-2249-EAQ-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is GREEN LAND VENTURES, LTD. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a land development and residential site located on the north side of Boerne Stage Road, 2.5 miles west of Interstate 10 in San Antonio, Bexar County, Texas (the "Site"). The Site adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted on August 10, 2011 through September 12, 2011, a TCEQ San Antonio Regional Office investigator documented that Respondent:
 - a. Failed to ensure that permanent best management practices ("BMP") are implemented and function as designed. Specifically, the sediment depth markers could not be located in Basin Nos. 1 and 2; the walls of Basin Nos. 1 and 2 did not appear to be stabilized to prevent erosion; the required 18-inch layer of concrete-washed sand was not present in Basin Nos. 1 and 2; and the inlet, flow splitting structure, and discharge pipe for Basin No. 2 were not constructed at the correct elevation; and
 - b. Failed to maintain the permanent BMPs after construction. Specifically, in Basin Nos. 1 and 2, standing water was observed, severe erosion of the banks was documented, loose soil and sediment were covering the floor of Basin Nos. 1 and 2, and a large accumulation of sediment was noted in the flow-splitting structure of Basin No. 2.
3. Respondent received notice of the violations on or about October 26, 2011.
4. 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 GREEN LAND VENTURES, LTD." (the "EDPRP") in the TCEQ Chief Clerk's Office on July 18, 2012.

5. By letter dated July 18, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on August 6, 2012, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to ensure that permanent BMPs are implemented and function as designed, in violation of 30 TEX. ADMIN. CODE § 213.23(j) and Edwards Aquifer Contributing Zone Plan No. 13-06072402A, Standard Conditions No. 14.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain the permanent BMPs after construction, in violation of 30 TEX. ADMIN. CODE § 213.23(j) and Edwards Aquifer Contributing Zone Plan No. 13-06072402A, Standard Conditions No. 15.
4. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 6, Respondent 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 Respondent 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 Respondent for violations of state statutes 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 thousand two hundred fifty dollars (\$5,250.00) 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. Respondent is assessed an administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's 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. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: GREEN LAND VENTURES, LTD.; Docket No. 2011-2249-EAQ-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall complete construction of the permanent BMPs, in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A;
 - b. Within 60 days after the effective date of this Order, Respondent shall:
 - i. Provide certifications from a licensed Professional Engineer stating that the basins were designed and constructed in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A; and
 - ii. Begin maintaining the permanent BMPs in accordance with Edwards Aquifer Contributing Zone Plan No. 13-06072402A.
 - c. Within 75 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a. through 3.b.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Lynn Bumguardner, Water Section Manager
Texas Commission on Environmental Quality
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is 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 Respondent fails 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, Respondent's failure to comply is not a violation of this 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.
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 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.
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 Respondent if the Executive Director determines that Respondent has 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JIM SALLANS

STATE OF TEXAS

§

COUNTY OF TRAVIS

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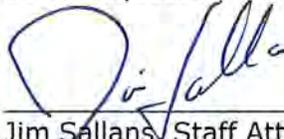
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"My name is Jim Sallans. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

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 GREEN LAND VENTURES, LTD." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 18, 2012.

The EDPRP was mailed to Respondent's last known address on July 18, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on August 6, 2012, as evidenced by the signature on the card.

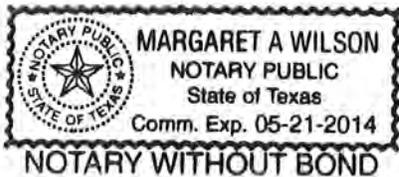
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.



Jim Sallans, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 3RD day of October, A.D. 2012.



Notary Signature