

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42851  
Susan Pape and Shane Pape d/b/a 3-S Construction  
RN106233125  
Docket No. 2011-1989-MSW-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

MSW

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

1030 Windy Pond, San Antonio, Bexar County

**Type of Operation:**

unauthorized disposal 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:** June 8, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$900

**Total Paid to General Revenue:** \$900

**Total Due to General Revenue:** \$0

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Poor  
Site/RN – Average

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** July 14, 2011 through August 11, 2011  
**Date(s) of NOV(s):** July 14, 2011  
**Date(s) of NOE(s):** October 7, 2011

**Violation Information**

Failed to prevent the unauthorized disposal of MSW (approx. 153 cu/yds of bricks, assorted plastics, lumber, drywall, brush, fiberglass insulation, and other assorted MSW) [30 TEX. ADMIN. CODE § 330.15(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Respondents removed from the Site and properly disposed of all MSW at an authorized facility on August 11, 2011.

**Technical Requirements:**

N/A

**Litigation Information**

**Date Petition(s) Filed:** March 15, 2012  
**Date Answer(s) Filed:** N/A  
**Settlement Date:** May 4, 2012

**Contact Information**

**TCEQ Attorneys:** Peipey Tang, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Eli Martinez, Public Interest Counsel, (512) 239-6363

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Rebecca Boyett, Enforcement Division, (512) 239-2503

**TCEQ Regional Contact:** Joel Anderson, San Antonio Regional Office, (210) 403-4010

**Respondent:** Susan Pape and Shane Pape, Co-owners, 3-S Construction, 30204 Smithson Valley Road, San Antonio, Texas 78261

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	10-Oct-2011	Screening	25-Oct-2011	EPA Due	
	PCW	19-Apr-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Susan Pape dba 3-S Construction and Shane Pape dba 3-S Construction
Reg. Ent. Ref. No.	RN106233125
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	42851	No. of Violations	1
Docket No.	2011-1989-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Philip Aldridge
Admin. Penalty \$	Limit Minimum \$0	EC's Team	Enforcement Team 7
	Maximum \$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,000</b>
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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>	<b>15.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$150</b>
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Notes: Enhancement for one NOV with same/similar violations and Poor Performer classification.

<b>Culpability</b>	<b>No</b>	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondents does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$250</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$4  
 Approx. Cost of Compliance: \$974  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$900</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$900</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$900</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$900</b>
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**Screening Date** 25-Oct-2011

**Docket No.** 2011-1989-MSW-E

**PCW**

**Respondent** Construction

*Policy Revision 2 (September 2002)*

**Case ID No.** 42851

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN106233125

**Media [Statute]** Municipal Solid Waste

**Enf. Coordinator** Philip Aldridge

### 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)

Poor Performer

**Adjustment Percentage (Subtotal 7)** 10%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same/similar violations and Poor Performer classification.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

Screening Date 25-Oct-2011

Docket No. 2011-1989-MSW-E

PCW

Respondent Susan Pape dba 3-S Construction and Shane Pape dba 3-S Construction

Policy Revision 2 (September 2002)

Case ID No. 42851

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN106233125

Media [Statute] Municipal Solid Waste

Enf. Coordinator Philip Aldridge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(a)

Violation Description Failed to prevent the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 153 cubic yards of bricks, assorted plastics, lumber, drywall, brush, fiberglass insulation, and other assorted MSW was disposed of at the Site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	10%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 28 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended from the July 14, 2011 investigation date to the August 11, 2011 date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent came into compliance on August 11, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

## Economic Benefit Worksheet

**Respondent** Susan Pape dba 3-S Construction and Shane Pape dba 3-S Construction  
**Case ID No.** 42851  
**Req. Ent. Reference No.** RN106233125  
**Media** Municipal Solid Waste  
**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	\$974	14-Jul-2011	11-Aug-2011	0.08	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to dispose of MSW at an authorized facility. The Date Required is the investigation date and 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

\$974

**TOTAL**

\$4

## Compliance History

Customer/Respondent/Owner-Operator: CN603281411 Pape, Susan Classification: POOR Rating: 154.60  
 Regulated Entity: RN106233125 1030 Windy Pond Lakeside at Canyon Springs Classification: AVERAGE Site Rating: 6.00  
 ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER UNA455130226  
 Location: 1030 WINDY POND, SAN ANTONIO, TX, 78260  
 TCEQ Region: REGION 13 - SAN ANTONIO  
 Date Compliance History Prepared: October 19, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: October 19, 2006 to October 19, 2011  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Philip Aldridge Phone: (512) 239-0855

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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: 9/1/2011 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 10/18/2011(957560)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 07/14/2011 (957560) CN603281411**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(a)(2)

30 TAC Chapter 330, SubChapter A 330.15(a)(3)

30 TAC Chapter 330, SubChapter A 330.7(a)

Description: Failure to prevent or permit any activity of storage, processing, removal, or disposal of any solid waste unless such activity is authorized by a permit or other authorization from the commission. Specifically, the entity was storing and processing by way of grinding, construction and demolition material.

Self Report? NO

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 330, SubChapter A 330.15(a)(1)

Description: Failure to prevent an unauthorized discharge of municipal waste into or adjacent to any water in the state. Specifically, the entity was storing and processing by way of grinding, construction and demolition material.

- 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

Customer/Respondent/Owner-Operator: CN603281429 Pape, Shane Classification: POOR Rating: 154.60  
 Regulated Entity: RN106233125 1030 Windy Pond Lakeside at Canyon Springs Classification: AVERAGE Site Rating: 6.00  
 ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER UNA455130226  
 Location: 1030 WINDY POND, SAN ANTONIO, TX, 78260  
 TCEQ Region: REGION 13 - SAN ANTONIO  
 Date Compliance History Prepared: October 19, 2011  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: October 19, 2006 to October 19, 2011  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Philip Aldridge Phone: (512) 239-0855

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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: 9/1/2011 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 10/18/2011(957560)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  

Date:	(957560)	CN603281411
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 330, SubChapter A 330.15(a)(2) 30 TAC Chapter 330, SubChapter A 330.15(a)(3) 30 TAC Chapter 330, SubChapter A 330.7(a)	
Description:	Failure to prevent or permit any activity of storage, processing, removal, or disposal of any solid waste unless such activity is authorized by a permit or other authorization from the commission. Specifically, the entity was storing and processing by way of grinding, construction and demolition material.	
Self Report?	NO	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 330, SubChapter A 330.15(a)(1)	
Description:	Failure to prevent an unauthorized discharge of municipal waste into or adjacent to any water in the state. Specifically, the entity was storing and processing by way of grinding, construction and demolition material.	
  - 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  
SUSAN PAPE DBA 3-S  
CONSTRUCTION AND SHANE PAPE  
DBA 3-S CONSTRUCTION;  
RN106233125**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2011-1989-MSW-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Susan Pape d/b/a 3-S Construction and Shane Pape d/b/a 3-S Construction ("Respondents") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents presented this Agreed Order to the Commission.

Respondents understand that they have 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, Respondents agree 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 Respondents.

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

### **FINDINGS OF FACT**

1. Respondents operate an unauthorized disposal site located at 1030 Windy Pond in San Antonio, Bexar County, Texas (the "Site"). The Site involves the management and/or the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on July 14, 2011, through August 11, 2011, a TCEQ San Antonio Regional Office investigator documented that Respondents failed to prevent the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 153 cubic yards of bricks, assorted plastics, lumber, drywall, brush, fiberglass insulation, and other assorted MSW was disposed of at the Site.

3. Respondents received notice of the violation on or about October 12, 2011.
4. The Executive Director recognizes that Respondents removed from the Site and properly disposed of all MSW at an authorized facility on August 11, 2011.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondents failed to prevent the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondents 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.
4. An administrative penalty in the amount of nine hundred dollars (\$900.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid nine hundred dollars (\$900.00) of the administrative penalty.

#### **ORDERING PROVISIONS**

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

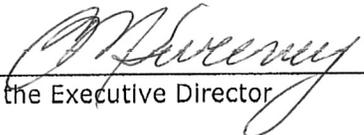
1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 4, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. All relief not expressly granted in this Agreed Order is denied.
3. 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.
4. 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.
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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director.

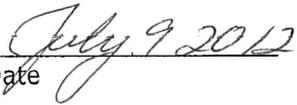
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. Pursuant to 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 Respondents, or three days after the date on which the Commission mails notice of this Agreed Order to Respondents, 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

  
\_\_\_\_\_  
Date

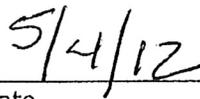
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Susan Pape d/b/a 3-S Construction and Shane Pape d/b/a 3-S Construction, and I do agree to the terms and conditions specified therein. I further 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:

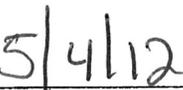
- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- 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 - Susan Pape

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature - Shane Pape

  
\_\_\_\_\_  
Date