

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47958  
Parkside at Mayfield Ranch, Ltd. and HMR HOLDINGS, INC.  
RN106876873  
Docket No. 2013-2197-EAQ-E

**Order Type:**

Agreed Order

**Media:**

EAQ – Edwards Aquifer

**Small Business:**

Yes (Both Respondents)

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

east of Parkside Parkway and south of Garner Park Drive, Williamson County

**Type of Operation:**

residential development 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:** February 13, 2015

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$11,250

**Total Paid to General Revenue:** \$11,250

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

**Compliance History Classifications:**

Person/CN – Satisfactory (Parkside at Mayfield Ranch, Ltd.); Unclassified (HMR HOLDINGS, INC.)  
Site/RN – Unclassified

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

Docket No. 2013-2197-EAQ-E

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** June 25, 2013  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** November 5, 2013

**Violation Information**

Failed to obtain approval of an Edwards Aquifer Protection Plan (“EAPP”) prior to commencing the construction of regulated activities [30 TEX. ADMIN. CODE § 213.4(a)(1)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Respondents obtained approval of an EAPP on February 21, 2014.

**Technical Requirements:**

None

**Litigation Information**

**Date Petition(s) Filed:** April 21, 2014; August 11, 2014  
**Date Answer Filed:** May 9, 2014; August 25, 2014  
**SOAH Referral Date:** September 29, 2014  
**Hearing Date(s):**  
Preliminary hearing: November 6, 2014  
Evidentiary hearing: May 19-20, 2015 (scheduled)  
**Settlement Date:** January 15, 2015

**Contact Information**

**TCEQ Attorneys:** David A. Terry, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Eli Martinez, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, (817) 588-5886

**TCEQ Regional Contact:** Carolyn Runyon, Austin Regional Office, (512) 339-2929

**Respondent Contact:** Blake J. Magee, President, Parkside at Mayfield Ranch, Ltd. and BJM Mayfield Ranch GP, Inc., General Partner, HMR HOLDINGS, INC., 1011 North Lamar Boulevard, Austin, Texas 78703

**Respondent's Attorney:** Randall B. Wilburn, 3000 South IH-35, Suite 150, Austin, Texas 78704



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Nov-2013		
	<b>PCW</b>	3-Dec-2014	<b>Screening</b>	19-Nov-2013
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Parkside at Mayfield Ranch, Ltd. and HMR HOLDINGS, INC.
<b>Reg. Ent. Ref. No.</b>	RN106876873
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47958	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-2197-EAQ-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 Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$11,250
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	0.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b>
Notes	No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$116	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$2,500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
	<b>Final Penalty Amount</b>	\$11,250	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,250
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$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.			

<b>PAYABLE PENALTY</b>	\$11,250
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**Screening Date** 19-Nov-2013

**Docket No.** 2013-2197-EAQ-E

**PCW**

**Respondent** Parkside at Mayfield Ranch, Ltd. and HMR HOLDI

*Policy Revision 3 (September 2011)*

**Case ID No.** 47958

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN106876873

**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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

**>> Compliance History Summary**

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)**

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%**

<b>Screening Date</b>	19-Nov-2013	<b>Docket No.</b>	2013-2197-EAQ-E	<b>PCW</b>
<b>Respondent</b>	Parkside at Mayfield Ranch, Ltd. and HMR HOLDINGS, INC.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	47958			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN106876873			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Cheryl Thompson			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 213.4(a)(1)

**Violation Description**

Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing the construction of regulated activities, as documented on June 25, 2013. Specifically, land had been disturbed, cleared and graded for a street named Fort Cobb Way.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Three monthly events are recommended from the period of August 25, 2013 (date of investigation) to November 19, 2013 (date of screening).

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** Parkside at Mayfield Ranch, Ltd. and HMR HOLDINGS, INC.  
**Case ID No.** 47958  
**Reg. Ent. Reference No.** RN106876873  
**Media Violation No.** Water Quality  
 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,500	25-Aug-2013	31-Jul-2014	0.93	\$116	n/a	\$116
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to obtain approval of an Edwards Aquifer Protection Plan prior to commencing construction activities. Date required is the investigation date. Final date is the projected 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**

<b>Approx. Cost of Compliance</b>	\$2,500	<b>TOTAL</b>	\$116
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The TCEQ is committed to accessibility.

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN603159716, RN106876873, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN603159716, Parkside at Mayfield Ranch, Ltd. **Classification:** SATISFACTORY **Rating:** -----

**Regulated Entity:** RN106876873, PARKSIDE AT MAYFIELD RANCH SECTION 7 **Classification:** UNCLASSIFIED **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 09 - Construction

**Location:** EAST OF COUNTY ROAD 175 SOUTH OF PARKSIDE PARKWAY WILLIAMSON, TX, WILLIAMSON COUNTY

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):** EDWARDS AQUIFER PERMIT 11-13092301  
EDWARDS AQUIFER PERMIT 11-13092302  
WATER QUALITY NON PERMITTED ID NUMBER R11106876873

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** December 23, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2008 to December 20, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Cheryl Thompson

**Phone:** (817) 588-5886

## Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **F. Environmental audits:**

N/A

### **G. Type of environmental management systems (EMSs):**

N/A

### **H. Voluntary on-site compliance assessment dates:**

N/A

### **I. Participation in a voluntary pollution reduction program:**

N/A

### **J. Early compliance:**

N/A

### **Sites Outside of Texas:**

N/A

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN604253245, RN106876873, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604253245, HMR HOLDINGS, INC. **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN106876873, PARKSIDE AT MAYFIELD RANCH SECTION 7 **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 09 - Construction

**Location:** EAST OF COUNTY ROAD 175 SOUTH OF PARKSIDE PARKWAY WILLIAMSON, TX, WILLIAMSON COUNTY

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):** EDWARDS AQUIFER PERMIT 11-13092301  
EDWARDS AQUIFER PERMIT 11-14051601  
EDWARDS AQUIFER PERMIT 11-13092302  
WATER QUALITY NON PERMITTED ID NUMBER R11106876873

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** August 01, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 01, 2009 to August 01, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Cheryl Thompson

**Phone:** (817) 588-5886

### Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### A. Final Orders, court judgments, and consent decrees:

N/A

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

#### D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

#### F. Environmental audits:

N/A

#### G. Type of environmental management systems (EMSs):

N/A

#### H. Voluntary on-site compliance assessment dates:

N/A

#### I. Participation in a voluntary pollution reduction program:

N/A

#### J. Early compliance:

N/A

#### Sites Outside of Texas:

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PARKSIDE AT MAYFIELD RANCH, LTD.  
AND HMR HOLDINGS, INC.;  
RN106876873**

§  
§  
§  
§  
§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2013-2197-EAQ-E**

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

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Parkside at Mayfield Ranch, Ltd. ("Parkside") and HMR HOLDINGS, INC. ("HMR Holdings") (collectively referred to as "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by Randall B. Wilburn together stipulate that:

1. Parkside owns and operates a residential development site located east of Parkside Parkway and south of Garner Park Drive in Williamson County, Texas (the "Site"). HMR Holdings caused the construction of a waterline at the Site. The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). The Site is within an area designated as the Edwards Aquifer Recharge Zone pursuant to 30 TEX. ADMIN. CODE ch. 213.
2. The Executive Director and Respondents agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and that Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of eleven thousand two hundred fifty dollars (\$11,250.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid eleven thousand two hundred fifty dollars (\$11,250.00) of the penalty.
5. 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.
6. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
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 contained in this Order.

8. 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.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. The Executive Director recognizes that Respondents obtained approval of an Edwards Aquifer Protection Plan on February 21, 2014.

## **II. ALLEGATIONS**

During an investigation conducted on June 25, 2013, an investigator documented that Respondents failed to obtain approval of an Edwards Aquifer Protection Plan ("EAPP") prior to commencing the construction of regulated activities, in violation of 30 TEX. ADMIN. CODE § 213.4(a)(1). Specifically, land had been disturbed, cleared, and graded for a waterline constructed at the Site along a future street named Fort Cobb Way.

## **III. DENIALS**

Respondents generally deny each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

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

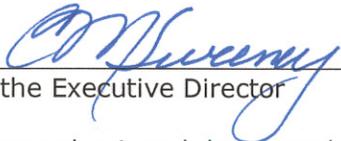
1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondents' compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by 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 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.
6. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.

7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date of hand delivery of the fully executed Order to Respondents, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondents, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

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

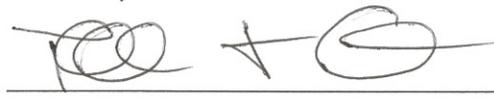
  
\_\_\_\_\_  
Date

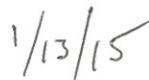
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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:

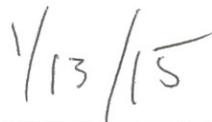
- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- 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 - Blake J. Magee, President  
HMR HOLDINGS, INC.  
1011 North Lamar Boulevard  
Austin, Texas 78703

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature - Blake J. Magee, President  
BJM Mayfield Ranch GP, Inc., General Partner  
Parkside at Mayfield Ranch, Ltd.  
1011 North Lamar Boulevard  
Austin, Texas 78703

  
\_\_\_\_\_  
Date

If mailing address has changed, please check this box and provide the new address below:

\_\_\_\_\_