

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58066  
KEANE LANDSCAPING, INC.  
RN100796903  
Docket No. 2019-1129-MSW-E

Page 1 of 2

**Order Type:**  
Agreed Order

**Media:**  
MSW

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
2101 Parker Road, Wylie, Collin County (the "Site")

**Type of Operation:**  
unauthorized municipal solid waste 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:** July 22, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$46,878

**Total Paid to General Revenue:** \$1,378

**Total Due to General Revenue:** \$45,500

Payment Plan: 35 payments of \$1,300 each

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** August 24, 2018

Complaint Information: The complainant alleges that an unauthorized pile of debris consisting of brush, plastics, metal, pallets, and landscape debris is present on-site.

**Date(s) of Investigation:** September 18, 2018; May 6, 2019

**Date(s) of NOV(s):** November 15, 2018

**Date(s) of NOE(s):** July 16, 2019

**KEANE LANDSCAPING, INC.**  
**RN100796903**  
**Docket No. 2019-1129-MSW-E**

**Violation Information**

Caused, suffered, allowed, or permitted the unauthorized disposal of MSW. [30 TEX. ADMIN. CODE § 330.15(a) and (c)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately cease disposing of any additional MSW at the Site;
2. Within 30 days develop and implement procedures designed to ensure all waste is removed and disposed of at an authorized facility, including but not limited to maintaining disposal records;
3. Within 45 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement Nos. 1 and 2.

**Litigation Information**

<b>Date Petition(s) Filed:</b>	May 15, 2020
<b>Date Green Card(s) Signed:</b>	Unclaimed
<b>Date Answer(s) Filed:</b>	June 8, 2022
<b>SOAH Referral Date:</b>	October 12, 2020
<b>Hearing Date(s):</b>	
Preliminary hearing:	(Waived)
Evidentiary hearing:	May 25, 2022
<b>Settlement Date:</b>	June 9, 2022

**Contact Information**

**TCEQ Attorneys:** John S. Mercurief II, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** John Fennell, Enforcement Division, (512) 239-2616

**TCEQ Regional Contact:** Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Kevin Keane, President, KEANE LANDSCAPING, INC., 2101 Parker Road, Wylie, Texas 75098

**Respondent's Attorney:** Jim Apostle, Pacific Place, 1910 Pacific Avenue, Suite 6005, Dallas, Texas 75201, japostle@sbcglobal.net



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	22-Jul-2019	<b>Screening</b>	31-Jul-2019	<b>EPA Due</b>	
	<b>PCW</b>	16-Jul-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Keane Landscaping, Inc.				
<b>Reg. Ent. Ref. No.</b>	RN100796903				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58066	<b>No. of Violations</b>	1
<b>Docket No.</b>	2019-1129-MSW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	John Fennell
		<b>EC's Team</b>	Enforcement Team 7
<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>	<b>\$1,250</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>5.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$62</b>
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<b>Notes</b>	Enhancement for one NOV with same/similar violations.
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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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>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>50.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$625</b>
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Total EB Amounts	\$45,571	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$43,781	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,937</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>2320.1%</b> Adjustment	<b>\$44,941</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with the violation and reduction to prevent double assessment of the Economic Benefit Enhancement in Subtotal 6 (-\$625).
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<b>Final Penalty Amount</b>	<b>\$46,878</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$46,878</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$46,878</b>
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Screening Date 31-Jul-2019

Docket No. 2019-1129-MSW-E

PCW

Respondent Keane Landscaping, Inc.

Case ID No. 58066

Reg. Ent. Reference No. RN100796903

Media Municipal Solid Waste

Enf. Coordinator John Fennell

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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 judgments 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%
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)

Satisfactory Performer

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

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations.

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

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 5%

**Screening Date** 31-Jul-2019  
**Respondent** Keane Landscaping, Inc.  
**Case ID No.** 58066  
**Reg. Ent. Reference No.** RN100796903  
**Media** Municipal Solid Waste  
**Enf. Coordinator** John Fennell

**Docket No.** 2019-1129-MSW-E

**PCW**

*Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014*

**Violation Number** 1

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

**Violation Description**  
 The Respondents caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 7,285 cubic yards of MSW consisting of soil mixed with wood pieces, wood mulch, wood chippings, wood pallets, plastic, fiberglass, and concrete pieces with rebar were received at the Site and disposed of at other unauthorized sites.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	5.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 1      86 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the May 6, 2019 investigation date to the July 31, 2019 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

**Violation Subtotal** \$1,250

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

**Statutory Limit Test**

**Estimated EB Amount** \$45,571

**Violation Final Penalty Total** \$46,890

**This violation Final Assessed Penalty (adjusted for limits)** \$46,890

## Economic Benefit Worksheet

**Respondent** Keane Landscaping, Inc.  
**Case ID No.** 58066  
**Reg. Ent. Reference No.** RN100796903  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	6-May-2019	17-May-2020	1.03	\$5	n/a	\$5

#### Notes for DELAYED costs

Estimated delayed cost to develop and implement procedures designed to ensure all waste is removed and disposed of at an authorized facility, including but not limited to maintaining disposal records. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$43,681	18-Sep-2018	31-Jul-2019	0.87	\$1,885	\$43,681	\$45,566
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided cost to remove the MSW from the Site and dispose of it at an authorized facility (difference between the estimated cost of disposal at an authorized facility of \$78,607 and the actual cost, per invoices and receipts, of disposal at unauthorized facilities of \$34,926). The Date Required is the initial investigation date and the Final Date is the screening date.

Approx. Cost of Compliance

\$43,781

**TOTAL**

\$45,571

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# TCEQ Compliance History Report

Compliance History Report for CN600482517, RN100796903, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN600482517, Keane Landscaping, Inc. **Classification:** SATISFACTORY **Rating:** 2.50

**Regulated Entity:** RN100796903, Keane Landscaping **Classification:** SATISFACTORY **Rating:** 2.50

**Complexity Points:** 4 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2101 Parker Road in Wylie, Collin County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** CP0348K

**MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER**  
455040221

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** September 10, 2019

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 10, 2014 to September 10, 2019

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

**Name:** Amanda Scott

**Phone:** (512) 239-2558

**Site and Owner/Operator History:**

- 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

**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.

- 1 Date: 11/15/2018 (1517665)  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 330, SubChapter A 330.15(a)  
30 TAC Chapter 330, SubChapter A 330.15(c)  
Description: Failure to obtain authorization for the disposal of municipal solid waste.





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KEANE LANDSCAPING, INC.  
RN100796903**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2019-1129-MSW-E**

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

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding KEANE LANDSCAPING, INC. (“Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates an unauthorized municipal solid waste (“MSW”) site located at 2101 Parker Road in Wylie, Collin County, Texas (the “Site”). The Site involves or involved the management of MSW as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is 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. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute, and the entry of this Order shall not constitute an admission by Respondent of the violation alleged in Section II (“Allegation”), nor of any statute or rule.
4. An administrative penalty in the amount of forty-six thousand eight hundred seventy-eight dollars (\$46,878.00) is assessed by the Commission in settlement of the violation alleged in Section II (“Allegation”). Respondent paid one thousand three hundred seventy-eight dollars (\$1,378.00) of the penalty. The remaining amount of forty-five thousand five hundred dollars (\$45,500.00) shall be paid in thirty-five (35) monthly payments of one thousand three hundred dollars (\$1,300.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent’s failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures that 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 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 Order.
7. This Order represents the complete and fully integrated agreement of the parties. 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.
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.

## **II. ALLEGATION**

During investigations conducted on September 18, 2018 and May 6, 2019, an investigator documented that Respondent caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately 7,285 cubic yards of MSW consisting of soil mixed with wood pieces, wood mulch, wood chippings, wood pallets, plastic, fiberglass, and concrete pieces with rebar were received at the Site and disposed of at other unauthorized sites.

## **III. DENIAL**

Respondent generally denies the allegation in Section II (“Allegation”).

## **IV. ORDERING PROVISIONS**

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

1. Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and Respondent’s 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 action or penalties for violations that are not raised here. Penalty payments shall be made payable to “TCEQ” and shall be sent with the notation “Re: KEANE LANDSCAPING, INC., Docket No. 2019-1129-MSW-E” to:  

Financial Administration Division, Revenue Operations Section  
Attention: Cashier’s Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, cease disposing of any additional MSW at the Site;

- b. Within 30 days after the effective date of this Order, develop and implement procedures designed to ensure all waste is removed and disposed of at an authorized facility, including but not limited to maintaining disposal records; and
- c. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall be signed by Respondent 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 fines and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding on 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.
- 5. 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.
- 6. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. This 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 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.
8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission  
*Erin E. Chanallop*  
-----  
For the Executive Director

-----  
Date  
*8/8/22*  
-----  
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, if any, 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

*KK*  
-----  
Signature, Kevin Keane  
President and Director  
KEANE LANDSCAPING, INC.  
2101 Parker Road  
Wylie, Texas 75098

*06/09/22*  
-----  
Date

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.