Executive Summary – Enforcement Matter – Case No. 61766
Mary Janet Hendrix Duncan
RN109153478
Docket No. 2022-0227-MLM-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
MLM – WQ, SLG
Small Business:
No
Location(s) Where Violation(s) Occurred:
Community WSC, 486 West North Woody Road, Azle, Wise County
Type of Operation:
Land application site
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: October 13, 2023
Comments Received: No

Penalty Information

Total Penalty Assessed: $7,875
Amount Deferred for Expedited Settlement: $1,575
Total Paid to General Revenue: $6,300
Total Due to General Revenue: $0
Payment Plan: N/A
Compliance History Classifications:
Person/CN - High
Site/RN - High
Major Source: No
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): October 11, 2021
Complaint Information: Alleged sludge was being washed out of several trucks and going beyond the property boundary.
Date(s) of Investigation: October 20, 2021
Date(s) of NOE(s): November 23, 2021

Executive Summary – Enforcement Matter – Case No. 61766
Mary Janet Hendrix Duncan
RN109153478
Docket No. 2022-0227-MLM-E

Violation Information

1. Failed to maintain authorization to land apply water treatment plant sludge. Specifically, Sludge Registration No. 730347 expired on September 29, 2021, and the Respondent continued to operate [30 TEX. ADMIN. CODE §§ 305.65, 312.4(a) and (d), and 312.122].

2. Failed to prevent the discharge of wastewater into or adjacent to any water in the state. Specifically, water treatment sludge and runoff water were observed on adjacent properties beyond the southwestern corner of the Site [TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, cease the unauthorized discharge of water treatment sludge and runoff water, and properly clean the affected areas. The Respondent shall work with owners and/or operators of affected properties to remove the water treatment sludge;

b. Within 45 days, submit written certification of compliance with a.;

c. Within 60 days, prepare and submit an application to land apply water treatment plant sludge; and

d. Within 180 days, submit written certification that authorization to land apply water treatment plant sludge has been obtained.

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Shane Glantz, Enforcement Division, Enforcement Team 1, MC R-03, (806) 468-0507; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
Respondent: Mary Janet Hendrix Duncan, Owner, 486 West North Woody Road, Azle, Texas 76020
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) — *PCW Revision February 11, 2021*

DATES						
	Assigned	29-Nov-2021				
	PCW	6-Apr-2022	**Screening**	4-Jan-2022	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	Mary Janet Hendrix Duncan		
Reg. Ent. Ref. No.	RN109153478		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	61766	**No. of Violations**	2
Docket No.	2022-0227-MLM-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Cecilio Banuelos
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$8,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **-10.0%** Adjustment — ***Subtotals 2, 3, & 7*** **-$875**

Notes: Reduction for High Performer Classification.

Culpability No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — ***Subtotal 5*** **$0**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$746
Estimated Cost of Compliance	$6,000

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$7,875**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$7,875**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$7,875**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$1,575**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$6,300**

Screening Date	4-Jan-2022	**Docket No.** 2022-0227-MLM-E	**PCW**
Respondent	Mary Janet Hendrix Duncan		*Policy Revision 5 (January 28, 2021)*
Case ID No.	61766		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109153478		
Media	Water Quality		
Enf. Coordinator	Cecilio Banuelos		

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** -10%

Screening Date	4-Jan-2022	**Docket No.** 2022-0227-MLM-E	**PCW**
Respondent	Mary Janet Hendrix Duncan		*Policy Revision 5 (January 28, 2021)*
Case ID No.	61766		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109153478		
Media	Water Quality		
Enf. Coordinator	Cecilio Banuelos		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.65, 312.4(a) and (d), and 312.122

Violation Description Failed to maintain authorization to land apply water treatment plant sludge. Specifically, Sludge Registration No. 730347 expired on September 29, 2021, and the Respondent continued to operate.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $22,500

$2,500

Violation Events

Number of Violation Events: 2 — Number of violation days: 97

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended from the date the authorization expired (September 29, 2021) to the screening date (January 4, 2022).

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 $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $127

Statutory Limit Test

Violation Final Penalty Total $4,500

This violation Final Assessed Penalty (adjusted for limits) $4,500

Economic Benefit Worksheet

Respondent Mary Janet Hendrix Duncan
Case ID No. 61766
Reg. Ent. Reference No. RN109153478
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	$1,000	29-Sep-2021	11-Apr-2024	2.53	$127	n/a	$127
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Permit delayed cost is estimated amount to prepare and submit an application and obtain authorization to land apply water treatment plant sludge. Date required is the date the authorization expired. Final date is the anticipated 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				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $127

Screening Date	4-Jan-2022	**Docket No.** 2022-0227-MLM-E	**PCW**
Respondent	Mary Janet Hendrix Duncan		*Policy Revision 5 (January 28, 2021)*
Case ID No.	61766		*PCW Revision February 11, 2021*
Reg. Ent. Reference No.	RN109153478		
Media	Water Quality		
Enf. Coordinator	Cecilio Banuelos		

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent the discharge of wastewater into or adjacent to any water in the state. Specifically, water treatment sludge and runoff water were observed on adjacent properties beyond the southwestern corner of the Site.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment have 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 this violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 — 76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended from the investigation date (October 20, 2021) to the screening date (January 4, 2022).

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $619

Statutory Limit Test

Violation Final Penalty Total $3,375

This violation Final Assessed Penalty (adjusted for limits) $3,375

Economic Benefit Worksheet

Respondent Mary Janet Hendrix Duncan
Case ID No. 61766
Reg. Ent. Reference No. RN109153478
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	20-Oct-2021	11-Apr-2024	2.48	$619	n/a	$619
Notes for DELAYED costs	Other delayed cost is the estimated amount to cease the unauthorized discharge of water treatment sludge and runoff water and properly clean the affected areas. Date required is the investigation date. Final date is the anticipated 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				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $5,000

TOTAL $619

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.

Compliance History Report

Compliance History Report for CN605121011, RN109153478, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN605121011, HENDRIX DUNCAN, MARY JANET **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN109153478, COMMUNITY WSC **Classification:** HIGH **Rating:** 0.00

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 486 West North Woody Road, Azle, Wise County, Texas

TCEQ Region:
REGION 04 - DFW METROPLEX

ID Number(s):

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: August 15, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 15, 2018 to August 15, 2023

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

Name: Madison Stringer **Phone:** (512) 239-1126

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.):

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
MARY JANET HENDRIX DUNCAN	**§**	
RN109153478	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2022-0227-MLM-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 Mary Janet Hendrix Duncan (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a land application site located at 486 West North Woody Road in Azle, Wise County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5). The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent disposes of water treatment residuals in a land application unit, surface impoundment, or waste pile and is required to be registered with the TCEQ. Therefore, the Respondent is subject to TCEQ jurisdiction pursuant to 30 TEX. ADMIN. CODE ch. 312, Subchapter G.

2. The Executive Director and the 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 the 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. WATER CODE ch. 26, 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 the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of $7,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $6,300 of the penalty and $1,575 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the 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, 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 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 the 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. ALLEGATIONS

During an investigation at the Site conducted on October 20, 2021, an investigator documented that the Respondent:

1. Failed to maintain authorization to land apply water treatment plant sludge, in violation of 30 TEX. ADMIN. CODE §§ 305.65, 312.4(a) and (d), and 312.122. Specifically, Sludge Registration No. 730347 expired on September 29, 2021, and the Respondent continued to operate.

2. Failed to prevent the discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, water treatment sludge and runoff water were observed on adjacent properties beyond the southwestern corner of the Site.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the 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 which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mary Janet Hendrix Duncan, Docket No. 2022-0227-MLM-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. The Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Order, cease the unauthorized discharge of water treatment sludge and runoff water, and properly clean the affected areas. The Respondent shall work with owners and/or operators of affected properties to remove the water treatment sludge.

b. Within 45 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.e.

c. Within 60 days after the effective date of this Order, prepare and submit an application to land apply water treatment plant sludge to:

Application Review and Processing Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing.

d. Within 180 days after the effective date of this Order, submit written certification in accordance with Ordering Provision No. 2.e below that authorization to land apply water treatment plant sludge has been obtained.

e. The written certifications of compliance required by Ordering Provision Nos. 2.b and 2.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the 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:

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

with a copy to:

Water 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 upon the Respondent. The 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 the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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 Enforcement Division at the address listed above.

7. This Order, issued by the Commission, shall not be admissible against the 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	Date
For the Executive Director	11/9/2023 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 OAG 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 OAG 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.

Mary Janet Hendrix Duncan Signature	9/12/2023 Date
MARY JANET HENDRIX DUNCAN Name (Printed or typed) Authorized Representative of Mary Janet Hendrix Duncan	Owner Title

☐ *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.