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TNRCC

**TNRCC EXECUTIVE DIRECTOR
ENFORCEMENT GUIDANCE
DOCUMENT**

IMPLEMENTING SB 1660

**Relating to Agreed Orders of the
Texas Natural Resource Conservation
Commission**

Litigation Support Division

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

printed on
recycled paper

**TNRCC EXECUTIVE DIRECTOR
ENFORCEMENT GUIDANCE DOCUMENT**

IMPLEMENTING SB 1660

**Relating to Agreed Orders of the
Texas Natural Resource Conservation Commission**

**This Guidance Document is intended to assist persons in negotiating agreed orders with the Executive Director's staff of the Texas Natural Resource Conservation Commission.
This guidance is not regulation and should not be used as such.**

**Prepared by
Litigation Support Division**

**RG-205
January 1996**



Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*

Dan Pearson, *Executive Director*

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GUIDANCE DOCUMENT

SB 1660

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GUIDANCE DOCUMENT

SB 1660

I. INTRODUCTION

SB 1660 adds several subsections to the administrative penalty sections of the Texas Water Quality Control Act, the Texas Solid Waste Disposal Act, and the Texas Clean Air Act. Generally, the law states that the Texas Natural Resource Conservation Commission ("TNRCC") is not required to make findings of fact and conclusions of law other than those which give the agency jurisdiction. The law also allows agreed orders entered by the TNRCC to contain some or all of the following provisions: the order is not an admission of a violation; the occurrence of the violation is in dispute; and the order is not intended to become a part of a party's compliance history. Additionally, all agreed orders are explicitly made inadmissible in third party litigation. SB 1660 became effective on September 1, 1995. This guidance document is intended to assist personnel representing the Executive Director and outside parties involved in the negotiation of an agreed order in an enforcement action.

Notwithstanding that the application of much of the statute is discretionary, the Executive Director of the TNRCC plans to make routine use of SB 1660 language. SB 1660 benefits the TNRCC by helping it to streamline many enforcement cases and allowing it to concentrate on enforcement actions deserving of the highest level of attention and, potentially, litigation. Industry should also benefit from the contemplated streamlining, predictability and associated cost savings provided by SB 1660. Most important, the environment will benefit from the swift resolution of appropriate enforcement matters by expediting the implementation of technical recommendations and remedial actions.

The Executive Director anticipates that all of the provisions offered by SB 1660 will be incorporated into the great majority of enforcement cases. The remaining matters will include cases that the Executive Director is preparing for litigation and feels that SB 1660 language should not be offered. Cases involving injury to human health, off-site environmental harm or prior violations, including instances where an SB 1660 order or orders have been entered previously, will be considered for the latter category.

A. PURPOSE

S.B. 1660 authorizes the Texas Natural Resource Conservation Commission to limit its findings of fact and conclusions of law in agreed orders to jurisdictional findings. The bill also authorizes an agreed order to include a reservation that the order is not an admission of wrongdoing or intended for consideration in the compliance history of the alleged violating entity. As stated above, the bill specifically exempts agreed orders from use in private litigation, thereby reducing or eliminating collateral considerations from the negotiation process.

B. RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

II. SB 1660 ANALYSIS

A. INTRODUCTION

The bill contains six sections and became effective on September 1, 1995. The bill amends four sections of various Texas environmental laws: Texas Water Quality Control Act §26.136, adding subsections (p) and (q); Solid Waste Disposal Act §361.251, adding subsections (v) and (w) and §361.252, adding subsections (r) and (s); and Texas Clean Air Act §382.088 adding subsections (k) and (l). Each of the amended subsections contains the same language.

B. SECTION BY SECTION ANALYSIS

SECTION 1. amends Section 26.136, Water Code, by adding Subsections (p) and (q), as follows:

(p) declares that the commission (TNRCC) is not required to make findings of fact or conclusions of law, other than an uncontested finding that the commission has jurisdiction in an agreed order compromising or settling an alleged violation of this chapter. It authorizes an agreed order to include a reservation that the order is not an admission of a violation of this chapter or a rule adopted under this chapter, the occurrence of a violation is in dispute, or the order is not intended to become part of a party's or a facility's compliance history.

(q) provides that an agreed order issued by the commission shall not be admissible against a party to that order in a civil proceeding, unless the proceeding is brought by the attorney general's office to (1) enforce the terms of that order, or (2) pursue violations of the Water Code or Health and Safety Code.

SECTION 2. amends Section 361.251, Health and Safety Code, by adding Subsections (v) and (w), to make a conforming change.

SECTION 3. amends Section 361.252, Health and Safety Code, by adding Subsections (r) and (s), to make a conforming change.

SECTION 4. amends Section 382.088, Health and Safety Code, by adding Subsections (k) and (l), to make a conforming change.

SECTION 5. Effective date: September 1, 1995.

SECTION 6. Emergency clause.

III. GUIDANCE

A. CRITERIA TO BE CONSIDERED BY THE TNRCC WHEN NEGOTIATING AN AGREED ORDER AS RELATING TO SB 1660.

SB 1660 provides for alternative agreed order language ranging from the full use of SB 1660 provisions to a “hard” order reflecting admissions of violations and none of the permissive language from SB 1660. The Executive Director anticipates that all of the provisions supplied by SB 1660 will be incorporated into most enforcement cases. The Executive Director speculates that as much as 90% of TNRCC’s enforcement actions may be appropriately settled in this fashion. The remaining matters will include cases which the Executive Director is prepared to litigate. Arguably, some of these cases may settle prior to hearing resulting in an agreed order without SB 1660 terms. Although the Executive Director may review each enforcement action from a litigation standpoint, some guidance is offered to aid in understanding the Executive Director’s process for choosing cases appropriate for “hard” orders or litigation.

The Executive Director may consider the following when considering which cases will be considered for litigation:

- (1) the nature, circumstances, extent, duration, and gravity of the prohibited act with special emphasis on the hazard or potential hazard created to the health or safety of the public;
- (2) the impact of the violation upon a receiving stream or underground water reservoir, on the property owners along a receiving stream or underground water reservoir, and on water users of a receiving stream or underground water reservoir;
- (3) the impact of the violation on other property owners adjacent to or in the vicinity of the violation;
- (4) with respect to the alleged violator:
 - (A) the history and extent of previous violations;
 - (B) the degree of culpability, including whether the violation was attributable to mechanical or electrical failures and whether the violation could have been reasonably anticipated and avoided;
 - (C) the demonstrated good faith, including actions taken by the alleged violator to rectify the cause of the violation;

- (D) economic benefit gained by the violation;
- (5) any other matters that justice may require; and
- (6) the chances of prevailing at hearing.

The Executive Director will only consider negotiating an agreed order of any type if: (1) all violations are corrected through actions to ensure future compliance; (2) any pollution resulting from such violations has been remediated or will be remediated by the implementation of the terms of the agreed order; and (3) both general and specific deterrence objectives are served.

B. FORM OF THE ENFORCEMENT ORDER.

Generally agreed orders will begin with a shell document. (Refer to sample order, Appendix F)

1. Form of the Order:

- a. Jurisdiction and Stipulations
- b. Allegations of Violations
- c. Denial of Violations
- d. Order/Technical Requirements

2. Jurisdiction and Stipulations:

- a. Recitation of the commission's statutory authority for bringing and resolving the case.
- b. Description of the nature of the facility's operation and location.
- c. Jurisdictional issue.
- d. A recitation that the Commission and respondent agree that the Commission has jurisdiction to enter the agreed order, and that the respondent is subject to the Commission's jurisdiction.
- e. A recitation that the respondent has been properly notified of the occurrence of the alleged violations.
- f. A recitation that the occurrence of any violation is in dispute and the entry of the agreed order shall not constitute an admission by the respondent of any violation alleged in the agreed order.
- g. A recitation that an administrative penalty should be recovered by the Commission in settlement of the violations alleged in the agreed order.

- h. A recitation that any procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- I. A recitation that the Executive Director of the TNRCC and the respondent have agreed on a settlement of the matters involved in this enforcement action, subject to the approval of the Commission.
- j. A recitation that pursuant to Section _____ (the appropriate section of the statute) the Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings, if the Executive Director determines that the respondent is noncompliant with or in violation of any of the terms and conditions set forth in the agreed order.
- k. A recitation that the provisions of the agreed order shall apply to and be binding upon the respondent, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of the agreed order by personal service or otherwise.
- l. A recitation that the agreed order is not intended to become a part of the respondent's compliance history.
- m. A recitation that the agreed administrative order, issued by the Commission, shall not be admissible against the respondent in a civil proceeding, unless the proceeding is brought by the attorney general's office to: (1) enforce the terms of this order; or (2) pursue violations of the Water Code or Health and Safety Code.
- n. Termination Clause.

3. Allegations:

The allegation section shall contain: (1) the factual nature of the alleged violation and (2) the specific statute or rule allegedly violated. This section of the agreed order shall contain the following language, "In settlement of this enforcement action and solely for the purpose of this Agreed Order, the parties have agreed and stipulated as follows:" followed by a recitation of the alleged violation(s). The alleged violation section will describe each violation with adequate specificity to determine the nature and extent of the alleged violations.

4. Denials

This section will contain denial language which may be drafted by and obtained from opposing counsel. In the alternative, the Executive Director will offer the following:

1. That _____ should not be deemed, by agreeing to this Agreed Order, to admit the allegations contained in Section II ("Allegations") above.

2. That disputes exist between _____ and the TNRCC Executive Director both as to the liability of _____ and the amount of liability, if any, for the allegations contained in Section II above or set forth in the Executive Director's file regarding this enforcement action. That by reason of such disputes, _____ and the Executive Director settle and compromise these disputed matters without litigation and, as part of the settlement and compromise, _____ agrees to pay the administrative penalty set forth in this Order.

5. Order Provisions/Technical Requirements

This section shall contain a recitation of the monetary penalty, if any, to be assessed and any provisions required by the TNRCC to bring the respondent into compliance with the environmental laws.

This section shall also contain reference to: The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the mailing date, as provided by Section 337.57 of the Commission's rules.

IV. APPENDICES

- A. Timetable
- B. Fiscal Note
- C. Fiscal Note
- D. Summary of Committee Action
- E. Text of SB 1660
- F. Order Shell

APPENDIX A.

BILL NUMBER: SB 1660

AUTHOR: Ratliff

SPONSOR: Yost

S Received by the Secretary of the Senate		04/19/95
S Permission to introduce		04/20/95
S Read first time		04/20/95
S Referred to Natural Resources		04/20/95
S Scheduled for public hearing on		04/27/95
S Considered in public hearing		04/27/95
S Testimony taken in committee		04/27/95
S Reported favorably w/o amendments		04/27/95
S Placed on Reg. Order of Business Calendar		04/28/95
S Placed on intent calendar		05/01/95
S Rules suspended		05/02/95
S Record vote		05/02/95
S Read 2nd time		05/02/95
S Amended	Ratliff	05/02/95
S Passed to engrossment as amended		05/02/95
S Nonrecord vote recorded in Journal		05/02/95
S Rules suspended		05/02/95
S Record vote		05/02/95
S Read 3rd time		05/02/95
S Passed		05/02/95
S Nonrecord vote recorded in Journal		05/02/95
S Reported engrossed		05/02/95
H Received from the Senate		05/02/95
H Read first time		05/03/95
H Referred to Natural Resources		05/03/95
H Considered in formal meeting		05/11/95
H Reported favorably w/o amendment(s)		05/11/95
H Committee report printed and distributed	10:08AM	05/12/95
H Committee report sent to Calendars		05/12/95
H Considered in Calendars		05/16/95
H Placed on General State Calendar		05/18/95
H Read 2nd time		05/19/95
H Amendment tabled	1-Bosse	05/19/95
H Passed to 3rd reading		05/19/95
H Nonrecord vote recorded in Journal		05/19/95
H Read 3rd time		05/24/95
H Passed		05/24/95

H Nonrecord vote recorded in Journal	05/24/95
S House passage reported	05/25/95
S Reported enrolled	05/25/95
S Signed in the Senate	05/26/95
H Signed in the House	05/26/95
E Sent to the Governor	05/27/95

APPENDIX B.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

April 27, 1995

TO: Honorable Bill Sims, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: Senate Bill No. 1660 By: Ratliff

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 1660 (Relating to agreed orders of the Texas Natural Resource Conservation Commission) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JK, DF

APPENDIX C.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
74th Regular Session**

May 11, 1995

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives

IN RE: Senate Bill No. 1660 By: Ratliff

FROM: John Keel, Director

In response to your request for a Fiscal Note on Senate Bill No. 1660 (Relating to agreed orders of the Texas Natural Resource Conservation Commission) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Natural Resource Conservation Commission
LBB Staff: JK, JB, DF

APPENDIX D.

SUMMARY OF COMMITTEE ACTION

S.B.1660 was considered by the committee in a formal meeting on May 11, 1995. No testimony was received.

The bill was reported favorably without amendment, with the recommendation that it do pass and be printed, by a record vote of 7 ayes, 0 nays, 0 pnv, 2 absent.

E.BILL NUMBER: SB 1660

AUTHOR: Ratliff

SPONSOR: Yost

COAUTHORS:

COSPONSORS:

LAST ACTION: 05/27/95 E Sent to the Governor

CAPTION: Relating to agreed orders of the Texas Natural Resource Conservation Commission.

SENATE COMM: Natural Resources

VOTES: AYES = 8 NAYS = 0 PRESENT NOT VOTING = 0 ABSENT = 3

HOUSE COMM: Natural Resources

VOTES: AYES = 7 NAYS = 0 PRESENT NOT VOTING = 0 ABSENT = 2.

APPENDIX E.

AN ACT

relating to agreed orders of the Texas Natural Resource Conservation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.136, Water Code, is amended by adding Subsections (p) and (q) to read as follows:

(p) Notwithstanding any other provision to the contrary, the commission is not required to make findings of fact or conclusions of law, other than an uncontested finding that the commission has jurisdiction, in an agreed order compromising or settling an alleged violation of this chapter.

An agreed order may include a reservation that:

- (1) the order is not an admission of a violation of this chapter or a rule adopted under this chapter;
- (2) the occurrence of a violation is in dispute; or
- (3) the order is not intended to become a part of a party's or a facility's compliance history.

(q) An agreed administrative order issued by the commission shall not be admissible against a party to that order in a civil proceeding, unless the proceeding is brought by the attorney general's office to:

- (1) enforce the terms of that order; or
- (2) pursue violations of this code or the Health and Safety Code.

SECTION 2. Section 361.251, Health and Safety Code, is amended by adding Subsections (v) and (w) to read as follows:

(v) Notwithstanding any other provision to the contrary, the commission is not required to make findings of fact or conclusions of law, other than an uncontested finding that the commission has jurisdiction, in an agreed order compromising or settling an alleged violation of this chapter.

An agreed order may include a reservation that:

- (1) the order is not an admission of a violation of this chapter or a rule adopted under this chapter;
- (2) the occurrence of a violation is in dispute; or
- (3) the order is not intended to become a part of a party's or a facility's compliance history.

(w) An agreed administrative order issued by the commission shall not be admissible against a party to that order in a civil proceeding, unless the proceeding is brought by the attorney general's office to:

- (1) enforce the terms of that order; or
- (2) pursue violations of the Water Code or this code.

SECTION 3. Section 361.252, Health and Safety Code, is amended by adding Subsections (r) and (s) to read as follows:

(r) Notwithstanding any other provision to the contrary, the commission is not required to make findings of fact or conclusions of law, other than an uncontested finding that the commission has jurisdiction, in an agreed order compromising or settling an alleged violation of this chapter.

An agreed order may include a reservation that:

- (1) the order is not an admission of a violation of this chapter or a rule adopted under this chapter;
- (2) the occurrence of a violation is in dispute; or
- (3) the order is not intended to become a part of a party's or a facility's compliance history.

(s) An agreed administrative order issued by the commission shall not be admissible against a party to that order in a civil proceeding, unless the proceeding is brought by the attorney general's office to:

- (1) enforce the terms of that order; or
- (2) pursue violations of the Water Code or this code.

SECTION 4. Section 382.088, Health and Safety Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Notwithstanding any other provision to the contrary, the commission is not required to make findings of fact or conclusions of law, other than an uncontested finding that the commission has jurisdiction, in an agreed order compromising or settling an alleged violation of this chapter.

An agreed order may include a reservation that:

- (1) the order is not an admission of a violation of this chapter or a rule adopted under this chapter;
- (2) the occurrence of a violation is in dispute; or
- (3) the order is not intended to become a part of a party's or a facility's compliance history.

(l) An agreed administrative order issued by the commission shall not be admissible against a party to that order in a civil proceeding, unless the proceeding is brought by the attorney general's office to:

- (1) enforce the terms of that order; or
- (2) pursue violations of the Water Code or this code.

SECTION 5. This Act takes effect September 1, 1995.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

APPENDIX F
SHELL ORDER

IN THE MATTER OF AN § BEFORE THE
ENFORCEMENT ACTION CONCERNING §
RESPONDENT FULL NAME § TEXAS NATURAL RESOURCE
(ACCOUNT NO., ENFORCEMENT §
ID NO., PERMIT NO., as approp) § CONSERVATION COMMISSION

AGREED ORDER
DOCKET NO.

I. JURISDICTION & STIPULATIONS

On _____, came on to be considered by the Texas Natural Resource Conservation Commission ("the Commission" or "TNRCC") the Agreement of the Parties, resolving an enforcement action regarding Respondent Name ("*Short Name*") in the form of an Agreed Order pursuant to Statutory Provisions. The Executive Director of the TNRCC, represented by the _____ Division, and *Short Name*, [add, if appropriate: represented by _____ of the law firm of _____], appear before the Commission and together stipulate that:

1. *Short Name* owns and operates a _____ facility [for Air orders substitute: plant] on _____ in _____ Texas.

2. The Facility [for Air orders substitute: Plant] [Statement of Jurisdiction; for example: consists of one or more sources as defined in Section 382.003(12) of the Act].

3. The Commission and *Short Name* agree that the Commission has jurisdiction to enter this Agreed Order, and that *Short Name* is subject to the Commission's jurisdiction.

4. Notice of violations alleged in Section II ("Allegations"), below, were received by *Short Name* on or about _____, 1995.
[Required only for Air violations.]

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by *Short Name* of any violation alleged below.

6. This order is not an admission by *Short Name* of a violation of [cite appropriate statute] or a rule adopted under that chapter.

7. Administrative penalties in the amount of [SPELL OUT IN ALL CAPS THE DOLLAR AMOUNT] (\$X,XXX.XX) should be recovered by the Commission in settlement of the violations alleged in Section II ("Allegations"), below.

8. 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.

9. The Executive Director of the TNRCC and *Short Name* have agreed on a settlement of the matters involved in this enforcement action, subject to the approval of the Commission.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings if the Executive Director determines that the *Short Name* is noncompliant with or in violation of any of the terms and conditions set forth in this Agreed Order.

11. The provisions of this Agreed Order shall apply to and be binding upon *Short Name*. *Short Name* is ordered to give notice of the Agreed Order to outside contractors who have control over any facet of operations at the facility, and to any successor in interest prior to transfer of ownership of all or part of the facility, and within ten days of any such transfer provide the TNRCC [City] Regional Office with written confirmation that such notice has been given. *Short Name* is further ordered to provide a copy of this Agreed Order to supervisory personnel at the facility for distribution to facility operational staff.

12. This Agreed Order is not intended to become a part of *Short Name's* compliance history.

13. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in the order, whichever is later.

II. ALLEGATIONS

In settlement of this enforcement action and solely for the purpose of this Agreed Order, the parties have agreed and stipulated that:

1. *Short Name*, as owner and operator of the Facility [*for Air orders substitute: Plant*], is alleged to have violated the following: [*cite alleged violations; for example: TNRCC Rule 30 Tex. Admin. Code Sections 101.20(1) and 116.115, Section 382.085(b) of the Act, TNRCC Permit Nos. _____, and TNRCC Agreed Order No. _____*] by

2. *Short Name* and the Executive Director agree that the violations alleged in this section are hereby settled and compromised.

III. DENIALS

(to be obtained from the entity representative or include the following)

1. *Short Name* should not be deemed, by agreeing to this Agreed Order, to admit the allegations contained in Section II ("Allegations") above.

2. Disputes exist between *Short Name* and the TNRCC Executive Director both as to the liability of *Short Name* and the amount of liability, if any, for the allegations contained in Section II above or set forth in the Executive Director's file regarding this enforcement action. By reason of such disputes, *Short Name* and the Executive Director settle and compromise these disputed matters without litigation and, as part of the settlement and compromise, *Short Name* agrees to pay the administrative penalty set forth in this Order.

IV. ORDER

It is, therefore, ordered by the TNRCC that *Short Name Company* pay administrative penalties in the amount of [SPELL OUT IN ALL CAPS THE DOLLAR AMOUNT] (\$X,XXX.XX). The imposition of this administrative penalty resolves only those matters described here. The Commission shall not be constrained in any manner from considering penalties for violations which are not raised here. All checks rendered to pay penalties shall be made out to "The State of Texas - General Revenue Fund." This penalty shall be paid within thirty (30) days of the effective date of this Agreed Order, and mailed to:

Financial Administration Division, Revenues
Attention: Cashier, MC 214
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, Texas 78711-3088

with the notation; "Re: Respondent Full Name, [Account No., Enforcement ID No., Permit No., as appropriate]."

This Agreed Order, issued by the Commission, shall not be admissible against *Short Name* in a civil proceeding, unless the proceeding is brought by the attorney general's office to: (1) enforce the terms of this order; or (2) pursue violations of this code.

It is further ordered that *Short Name Company* shall undertake certain actions as follows:

Technical Requirements [insert here]

If *Short Name* fails to comply with any of the technical ordering provisions in this Agreed Order within the prescribed schedules, and that failure is caused by an Act of God, war, riot, or other catastrophe beyond the control of *Short Name*, that failure shall not be construed as a violation of this Agreed Order. *Short Name* has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. *Short Name* shall notify the Executive Director within seven (7) days after *Short Name* becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize the delay.

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 *Short Name* shall be made in writing to the Executive Director and shall not extend any deadlines contained in this Agreed Order until it has received written approval for extension from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the mailing date, as provided by

section 337.57 of the Commission's rules.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Barry R. McBee, Chairman

ATTEST:

Gloria A. Vasquez, Chief Clerk

S E A L

I, the undersigned, have read and understand the attached Agreed Order.
I am authorized to agree to the attached Agreed Order on behalf of the entity,
if any, indicated below my signature, and I do agree to the terms and conditions
specified therein.

Jim Phillips
Deputy Director
Office of Legal Services
Texas Natural Resource Conservation Commission

Date

Signature

Date

Name (Printed or typed)
Authorized representative of
Respondent Full Name

Title

