Order Type:
Findings Agreed Order

Findings Order Justification:
People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:
Water Quality (WQ)

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
9751 Lone Star Road, Washington, Washington County

Type of Operation:
recreational/residential resort with an onsite sewage facility ("OSSF")

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: April 10, 2015

Comments Received: None

Penalty Information
Total Penalty Assessed: $45,000
Total Paid to General Revenue: $1,250
Total Due to General Revenue: $43,750
Payment Plan: 35 payments of $1,250 each

Compliance History Classifications:
- Person/CN – Not applicable
- Site/RN – Not applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011
LIVE OAK RESORT, INC.  
Docket No. 2013-0866-WQ-E

Investigation Information

Complaint Date(s): January 23, 2013
Complaint Information: Alleged inadequate sewer facilities for the number of tenants.

Date(s) of Investigation: February 6, 2013
Date(s) of NOV(s): N/A
Date(s) of NOE(s): April 8, 2013

Violation Information

Failed to prevent unauthorized discharge of wastewater in or adjacent to water in the state (wastewater discharged from the OSSF leach field into an unnamed tributary of Coles Creek; sample results indicated high levels of *Escherichia Coli* and ammonia) [TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed: None

Technical Requirements:
1. Immediately cease unauthorized discharges of wastewater from the OSSF at the Facility.
2. Within 90 days, provide an evaluation of the current OSSF which includes plans or drawings of the entire system and calculations of the loading received by the OSSF, identify deficiencies within the OSSF, and implement corrective actions necessary to prevent further unauthorized discharges.
3. Within 105 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: June 05, 2014
Date Answer Filed: June 11, 2014
SOAH Referral Date: August 01, 2014

Hearing Date(s):
   Preliminary Hearing: September 18, 2014
   Evidentiary Hearing: March 27, 2015

Settlement Date: March 12, 2015

Contact Information

TCEQ Attorneys: Jim Sallans, Litigation Division, (512) 239-3400
   Lena Roberts, Litigation Division, (512) 239-3400
   Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, (254) 761-3034

TCEQ Regional Contact: Richard Monreal, Waco Regional Office, (254) 751-0335

Respondent Contact: Larry Hildebrand, President, LIVE OAK RESORT, INC., 9751 Lone Star Road, Washington, Texas 77880

Respondent’s Attorney: N/A
**Penalty Calculation Worksheet (PCW)**

**Respondent/Facility Information**
- **Respondent:** LIVE OAK RESORT, INC.
- **Reg. Ent. Ref. No.:** RN101269926
- **Facility/Site Region:** 9-Waco
- **Major/Minor Source:** Minor

**Case Information**
- **Enf./Case ID No.:** 2013-0866-WQ-E
- **Docket No.:** 46774
- **Media Program(s):** Water Quality
- **Admin. Penalty $ Limit Minimum:** $0
- **Maximum:** $25,000

**Penalty Calculation Section**

**Total Base Penalty (Sum of violation base penalties):** $37,500

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**
- **Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.**
- **Compliance History:** 20.0% Enhancement

**Subtotals 2, 3, & 7:** $7,500

- **Notes:** Enhancement for one order with denial of liability.

**Culpability:** No 0.0% Enhancement

**Subtotal 4:** $0

- **Notes:** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments:** $0

**Economic Benefit:** 0.0% Enhancement*

**Subtotal 6:** $0

- **Notes:** *Capped at the Total EB $ Amount

**SUM OF SUBTOTALS 1-7:** $45,000

**Final Subtotal:** $45,000

**OTHER FACTORS AS JUSTICE MAY REQUIRE**
- **0.0%** Adjustment

**Final Penalty Amount:** $45,000

**STATUTORY LIMIT ADJUSTMENT**
- **Final Assessed Penalty:** $45,000

**DEFERRAL**
- **0.0%** Reduction

**Notes:** No deferral is recommended for Findings Orders.

**PAYABLE PENALTY:** $45,000
## Compliance History Worksheet

### Component: Site Enhancement (Subtotal 2)

<table>
<thead>
<tr>
<th>Component</th>
<th>Number of...</th>
<th>Enter Number Here</th>
<th>Adjust.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOVs</td>
<td>Written notices of violation (&quot;NOVs&quot;) with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Other written NOVs</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Orders</td>
<td>Any adjudicated final enforcement orders containing a denial of liability (number of orders meeting criteria)</td>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Any adjudicated 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</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Judgments and Consent Decrees</td>
<td>Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>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</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Convictions</td>
<td>Any criminal convictions of this state or the federal government (number of counts)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Emissions</td>
<td>Chronic excessive emissions events (number of events)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Audits</td>
<td>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)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Other</td>
<td>Environmental management systems in place for one year or more</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Voluntary on-site compliance assessments conducted by the executive director under a special assistance program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Participation in a voluntary pollution reduction program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Early compliance with, or offer of a product that meets future state or federal government environmental requirements</td>
<td>No</td>
<td>0%</td>
</tr>
</tbody>
</table>

### Adjustment Percentage (Subtotal 2) 20%

### Repeat Violator (Subtotal 3)

| N/A | Adjustment Percentage (Subtotal 3) 0% |

### Compliance History Person Classification (Subtotal 7)

| N/A | Adjustment Percentage (Subtotal 7) 0% |

### Compliance History Summary

- Enhancement for one order with denial of liability.

### Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

### Final Compliance History Adjustment

<p>| Final Adjustment Percentage *capped at 100% 20% |</p>
<table>
<thead>
<tr>
<th>Screening Date</th>
<th>Docket No.</th>
<th>PCW</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-Apr-2013</td>
<td>2013-0866-WQ-E</td>
<td></td>
</tr>
</tbody>
</table>

**Respondent**
LIVE OAK RESORT, INC.

**Case ID No.**
46774

**Reg. Ent. Reference No.**
RN101269926

**Media [Statute]**
Water Quality

**Enf. Coordinator**
Heather Brister

---

**Violation Number**
1

**Rule Cite(s)**

<table>
<thead>
<tr>
<th>Tex. Water Code § 26.121(a)(1)</th>
</tr>
</thead>
</table>

Failed to prevent the unauthorized discharges of wastewater into or adjacent to water in the state, as documented during an investigation conducted on February 6, 2013. Specifically, wastewater was discharging from an on-site sewage facility ("OSSF") leach field into an unnamed tributary of Coles Creek. Sample results from the discharge indicated high levels of Escherichia coli ("E.coli") (6,488,000 most probable number per 100 milliters ("mpn/100 ml")) and high levels of ammonia (45.4 milligrams per liter ("mg/L")).

---

**Environmental, Property and Human Health Matrix**

<table>
<thead>
<tr>
<th>Release</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential</td>
<td>x</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Harm**

<table>
<thead>
<tr>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Percent**
30.0%

**Programmatic Matrix**

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Percent**
0.0%

**Notes**
Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

**Adjustment**
$17,500

**Violation Events**

<table>
<thead>
<tr>
<th>Number of Violation Events</th>
<th>Number of violation days</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>83</td>
</tr>
</tbody>
</table>

**Violation Base Penalty**
$22,500

**Good Faith Efforts to Comply**

<table>
<thead>
<tr>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Extraordinary**
Before NOV NOV to EDPRP/Settlement Offer

**Ordinary**

<table>
<thead>
<tr>
<th>x</th>
</tr>
</thead>
</table>

**N/A**

<table>
<thead>
<tr>
<th>x</th>
</tr>
</thead>
</table>

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

**Violation Subtotal**
$22,500

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

<table>
<thead>
<tr>
<th>Estimated EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$740</td>
</tr>
</tbody>
</table>

**Statutory Limit Test**

<table>
<thead>
<tr>
<th>Violation Final Penalty Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$27,000</td>
</tr>
</tbody>
</table>

**This violation Final Assessed Penalty (adjusted for limits)**
$27,000
**Economic Benefit Worksheet**

**Respondent**
LIVE OAK RESORT, INC.

**Case ID No.**
46774

**Reg. Ent. Reference No.**
RN101269926

**Media**
Water Quality

**Violation No.**
1

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Onetime Costs</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering/construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Record Keeping System</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training/Sampling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit Costs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>$10,000</td>
<td>6-Feb-2013</td>
<td>31-Jul-2014</td>
<td>1.48</td>
<td>$740</td>
<td></td>
</tr>
</tbody>
</table>

**Notes for DELAYED costs**
Estimated cost to remediate the affected areas and take all necessary actions to prevent unauthorized discharges from occurring. Date required is the initial investigation date and the final date is the anticipated date of compliance.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Onetime Costs</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoided Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies/equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Assurance [2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ONE-TIME avoided costs [3]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**
$10,000

**TOTAL**
$740
Compliance History Report

Customer, Respondent, or Owner/Operator: CN600699789, LIVE OAK RESORT, INC.  
Regulated Entity: RN101269926, LIVE OAK RESORT  
Classification: NOT APPLICABLE  
Rating: N/A

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

Location: 9751 LONE STAR RD, WASHINGTON, WASHINGTON COUNTY, TEXAS
TCEQ Region: REGION 09 - WACO
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2390050

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

Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: January 14, 2009 to January 14, 2014
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History: Heather Brister  
Phone: (254) 761-3034

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
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:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Classification</th>
<th>Citation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/04/2010</td>
<td>Moderate</td>
<td>30 TAC Chapter 290, SubChapter D 290.39(j)</td>
<td>Failure to notify the Commission prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.</td>
</tr>
</tbody>
</table>

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
IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LIVE OAK RESORT, INC.;
RN101269926
BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0866-WQ-E

On ______________________, the Texas Commission on Environmental Quality
("Commission" or “TCEQ") considered this agreement of the parties, resolving an
enforcement action regarding LIVE OAK RESORT, INC. ("Respondent") under the authority
of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the
Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the
enforcement process, including the right to formal notice of violations, notice of an
evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering
into this Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The
duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a recreational resort with an on-site sewage facility
("OSSF") located at 9751 Lone Star Road in Washington, Washington County, Texas
(the "Facility"). The Facility is near or adjacent to water in the state as defined in
TEX. WATER CODE § 26.001(5).

2. During an investigation conducted on February 6, 2013, an investigator documented
that Respondent failed to prevent unauthorized discharges of wastewater in or
adjacent to water in the state. Specifically, wastewater discharged from the OSSF
leach field into an unnamed tributary of Coles Creek. Sample results from the
discharge indicated high levels of Escherichia Coli ("E. Coli") (6,488,000 most
probable number per 100 milliliters ("mpn/100 ml") and high levels of ammonia
(45.4 milligrams per liter ("mg/L")).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the
TCEQ pursuant to ch. 26 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent unauthorized
discharges of wastewater in or adjacent to water in the state, in violation of TEX.
WATER CODE § 26.121(a)(1).

3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an
administrative penalty against Respondent for violations of state statutes within
TCEQ’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of forty-five thousand dollars ($45,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid one thousand two hundred fifty dollars ($1,250.00) of the penalty. The remaining amount of forty-three thousand seven hundred fifty dollars ($43,750.00) shall be paid in thirty-five (35) payments of one thousand two hundred fifty dollars ($1,250.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall 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 constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent’s compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions 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: LIVE OAK RESORT, INC., Docket No. 2013-0866-WQ-E” to:

   Financial Administration Division, Revenue Operations Section
   Texas Commission on Environmental Quality
   Attention: Cashier’s Office, MC 214
   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 unauthorized discharges of wastewater from the OSSF at the Facility.
   b. Within 90 days after the effective date of this Order, provide an evaluation of the current OSSF which includes plans or drawings of the entire system and calculations of the loading received by the OSSF, identify deficiencies within the OSSF, and implement corrective actions necessary to prevent further unauthorized discharges.
   c. Within 105 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Waste Section Manager  
Texas Commission on Environmental Quality  
Waco Regional Office  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

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 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.

6. 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.

7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas (“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 TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the 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.
8. 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.

9. 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.

10. 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.

11. 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 Respondent, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.
LIVE OAK RESORT, INC.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director  

April 24, 2015  

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 - Larry Hildebrand  3-12-15

Larry Hildebrand, President
LIVE OAK RESORT, INC.
9751 Lone Star Road
Washington, Texas 77880

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