RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION

OIL AND GAS DOCKET NO. 06-0276505

ENFORCEMENT ACTION AGAINST ENVIROPAVE L.L.C. FOR STATEWIDE RULE VIOLATIONS ON THE EAST TEXAS RECLAMATION PLANT (NO. 06-2167) IN RUSK COUNTY, TEXAS, COMMISSION DISTRICT 6.

FINAL ORDER

The Commission finds that after statutory notice the captioned proceedings were heard by an Examiner on October 24, 2013. An Administrative Law Judge has circulated a Proposal for Decision containing Findings of Fact and Conclusions of Law. Having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Findings of Fact and Conclusions of Law are hereby adopted and made a part hereof by reference.

IT IS HEREBY ORDERED that not later than the thirtieth day following the date on which this order becomes final under law Enviropave L.L.C., Operator No. 253299, shall pay to the Railroad Commission of Texas an administrative penalty in the amount of SIXTY-FOUR THOUSAND TWO HUNDRED SEVENTY-FIVE DOLLARS ($64,275.00).

It is further **ORDERED** that Enviropave L.L.C. shall bring the subject facility into compliance with all rules of the Commission.

It is also **ORDERED** that Enviropave L.L.C. shall provide a remediation plan, which will be approved by the Commission's Site Remediation Section and/or Technical Permitting Section, as part of bringing the facility into compliance with all Commission Statewide Rules.

It is further **ORDERED** that Enviropave L.L.C.'s Reclamation Plant Permit is hereby suspended until which time the facility has been brought into compliance with all Commission Statewide Rules.

It is also **ORDERED** that Enviropave L.L.C. and each person who holds a position of ownership or control in Enviropave L.L.C., being Robert A. Baker, President, and Helen Wallace, Secretary, shall be subject to the terms of TEX. NAT. RES. CODE § 91.114.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for rehearing has been extended under TEX. GOV'T CODE §2001.142, by agreement under TEX. GOV'T CODE §2001.147, or by written Commission Order issued pursuant to TEX. GOV'T CODE §2001.146(e). If a timely motion for rehearing of an application is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date Commission Order is signed.

Each exception to the Administrative Law Judge's proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to $10,000.00 per day per violation.

ENTERED in Austin, Texas on this 12th day of January, 2016.

RAILROAD COMMISSION OF TEXAS

David Porter

CHAIRMAN DAVID PORTER

Christi Craddick

COMMISSIONER CHRISTI CRADDICK

Ryan Sitton

COMMISSIONER RYAN SITTON

ATTEST

Kathy Ukay

SECRETARY