

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0030-PWS-E **TCEQ ID:** RN101251924 **CASE NO.:** 32149

RESPONDENT NAME: Jackie Brister dba Barefoot Fishing Camp

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Barefoot Fishing Camp, three miles east of Bend, Texas on County Road 436, San Saba County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 18, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: Ms. Jackie Brister, Owner, Barefoot Fishing Camp, Post Office Box 49, Bend, Texas 76824

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 8, 2006</p> <p>Date of NOE Relating to this Case: December 10, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to develop and maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>2) Failed to provide public water system operating records at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>3) Failed to provide a pressure tank capacity of ten gallons per unit with a minimum of 220 gallons for the system [30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to provide a well capacity of 1.0 gallon per minute ("gpm") per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$1,150</p> <p>Total Deferred: \$230 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$920</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Create and begin maintaining a plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42; and</p> <p>ii. Begin maintaining all required water system records, in accordance with 30 TEX. ADMIN. CODE § 290.46.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written documentation, as detailed in ordering provision d that certifies compliance with Ordering Provision a.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a pressure tank capacity of ten gallons per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45; and</p> <p>ii. Provide a well capacity of 1.0 gpm per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written certification which includes detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	18-Dec-2006	Screening	8-Jan-2007	EPA Due	
	PCW	8-Jan-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jackie Brister dba Barefoot Fishing Camp
Reg. Ent. Ref. No.	RN101251924
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32149	No. of Violations	4	
Docket No.	2007-0030-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Amy Martin	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,150
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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.

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment to the penalty is recommended.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$620 *Capped at the Total EB \$ Amount
Approx. Cost of Compliance \$12,800

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,150
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DEFERRAL	20% Reduction	Adjustment	-\$230
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$920
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Screening Date 8-Jan-2007

Docket No. 2007-0030-PWS-E

PCW

Respondent Jackie Brister dba Barefoot Fishing Camp

Policy Revision 2 (September 2002)

Case ID No. 32149

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101251924

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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%
Please Enter Yes or No			
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)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment to the penalty is recommended.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 8-Jan-2007

Docket No. 2007-0030-PWS-E

PCW

Respondent Jackie Brister dba Barefoot Fishing Camp

Policy Revision 2 (September 2002)

Case ID No. 32149

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101251924

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to develop and maintain a plant operations manual for operator review and reference.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jackle Brister dba Barefoot Fishing Camp
Case ID No. 32149
Reg. Ent. Reference No. RN101251924
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	8-Nov-2006	30-Aug-2007	0.8	\$8	n/a	\$8

Notes for DELAYED costs:

Estimated cost to develop and maintain a plant operations manual. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$200

TOTAL

\$8

Screening Date 8-Jan-2007

Docket No. 2007-0030-PWS-E

PCW

Respondent Jackie Brister dba Barefoot Fishing Camp

Policy Revision 2 (September 2002)

Case ID No. 32149

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101251924

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2)

Violation Description Failed to provide all public water system operating records at the time of the investigation. Specifically, the facility did not have three of seven requested records available for review at the time of the investigation. The missing documents were the annual tank inspection forms, monthly operating reports, and the system distribution map.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
			x		5%

Matrix Notes 43% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 61

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended based on the date of investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$50

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: Jackie Brister dba Barefoot Fishing Camp
Case ID No.: 32149
Reg. Ent. Reference No.: RN101251924
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	8-Nov-2006	30-Aug-2007	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 8-Jan-2007

Docket No. 2007-0030-PWS-E

PCW

Respondent Jackie Brister dba Barefoot Fishing Camp

Policy Revision 2 (September 2002)

Case ID No. 32149

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101251924

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(c)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a pressure tank capacity of ten gallons per unit with a minimum of 220 gallons for the system. Specifically, the pressure tank capacity is 85.8 gallons for the system instead of the 390 gallons required for the 39 units, indicating a 78% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient capacity, customers of the water supply could experience water shortages and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended based on the investigation date of November 8, 2006 to the screening date of January 8, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$122

Violation Final Penalty Total \$500

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

Economic Benefit Worksheet

Respondent: Jackie Brister dba Barefoot Fishing Camp
Case ID No: 32149
Reg. Ent. Reference No: RN101251924
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	8-Nov-2006	29-Oct-2007	1.0	\$122	n/a	\$122

Notes for DELAYED costs

Estimated cost to increase the pressure tank capacity. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$122

Screening Date 8-Jan-2007

Docket No. 2007-0030-PWS-E

PCW

Respondent Jackie Brister dba Barefoot Fishing Camp

Policy Revision 2 (September 2002)

Case ID No. 32149

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101251924

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(c)(1)(A)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a well capacity of 1.0 gallon per minute ("gpm") per unit. Specifically, the well capacity is 14.6 gpm instead of the 39 gpm required for the 39 units, indicating a 62.5% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient capacity, customers of the water supply could experience water shortages and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

Adjustment \$750

\$250

Violation Events

2

61 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$500

Two monthly events are recommended based on the investigation date of November 8, 2006 to the screening date of January 8, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$486

Violation Final Penalty Total \$500

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

Economic Benefit Worksheet

Respondent Jackie Brister dba Barefoot Fishing Camp
Case ID No. 32149
Reg. Ent. Reference No. RN101251924
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,000	8-Nov-2006	29-Oct-2007	1.0	\$486	n/a	\$486

Notes for DELAYED costs

Estimated cost to increase the well capacity. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$486
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Compliance History

Customer/Respondent/Owner-Operator:	CN600686794 BRISTER, JACKIE	Classification:	Rating:
Regulated Entity:	RN101251924 BAREFOOT FISHING CAMP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2060014
Location:	3 miles east of Bend, TX on CR-436 in San Saba County		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 04, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 04, 2002 to January 04, 2007		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Amy Martin Phone: 512-239-2540

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 12/14/2006 (519591)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
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	§	
JACKIE BRISTER DBA BAREFOOT	§	TEXAS COMMISSION ON
FISHING CAMP	§	
RN101251924	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0030-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jackie Brister dba Barefoot Fishing Camp ("Mr. Brister") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Brister appear before the Commission and together stipulate that:

1. Mr. Brister owns and operates a campground with a public water supply located three miles east of Bend, Texas on County Road 436, San Saba County, Texas (the "Facility") that has approximately 39 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Mr. Brister agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Brister is subject to the Commission's jurisdiction.
3. Mr. Brister received notice of the violations alleged in Section II ("Allegations") on or about December 15, 2006.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Brister of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand One Hundred Fifty Dollars (\$1,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Brister has paid Nine Hundred Twenty Dollars (\$920) of the administrative penalty and Two

Hundred Thirty Dollars (\$230) is deferred contingent upon Mr. Brister's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Brister fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Brister to pay all or part of the deferred penalty.

6. 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.
7. The Executive Director of the TCEQ and Mr. Brister have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 Mr. Brister has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Brister is alleged to have:

1. Failed to develop and maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on November 8, 2006.
2. Failed to provide public water system operating records at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on November 8, 2006.
3. Failed to provide a pressure tank capacity of ten gallons per unit with a minimum of 220 gallons for the system, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 8, 2006.
4. Failed to provide a well capacity of 1.0 gallon per minute ("gpm") per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 8, 2006.

III. DENIALS

Mr. Brister generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Brister pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Brister's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jackie Brister dba Barefoot Fishing Camp, Docket No. 2007-0030-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Brister shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Create and begin maintaining a plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Begin maintaining all required water system records, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written documentation, as detailed in ordering provision 2.d. below, that certifies compliance with Ordering Provision 2.a.
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Provide a pressure tank capacity of ten gallons per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a well capacity of 1.0 gpm per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and 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."

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:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Brister. Mr. Brister is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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 Mr. Brister shall be made in writing to the Executive Director. Extensions are not effective until Mr. Brister receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Brister in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Brister, or three days after the date on which the Commission mails notice of the Order to Mr. Brister, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

ATTN AMY MARTIN

Jackie Brister dba Barefoot Fishing Camp
DOCKET NO. 2007-0030-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdelic

For the Executive Director

8/21/07

Date

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. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jackie Brister
Signature

3-19-07
Date

Jackie Brister
Name (Printed or typed)
Authorized Representative of
Jackie Brister dba Barefoot Fishing Camp

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Section at the address in Section IV, Paragraph 1 of this Agreed Order.

