

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-1528-OSI-E TCEQ ID NO.: RN103051066 CASE NO.: 11125
RESPONDENT NAME: BRAD BOLTON

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" 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: 1876 Farm-to-Market (FM) 2131, Coleman, Coleman County

TYPE OF OPERATION: On-site sewage facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this 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 October 22, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
TCEQ Enforcement Coordinator: Ms. Pam Campbell, Water Enforcement Section, MC 169, (512) 239-4493
TCEQ Regional Contact: Mr. James Beauchamp, Abilene Regional Office, MC R-3, (325) 698-9674
Respondent: Mr. Brad Bolton, P.O. Box 695, Coleman, Texas 76834
Respondent's Attorney: Not represented by counsel.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: February 28, 2003</p> <p>Date of NOV/NOEs Relating to this Case: April 1, 2003 (NOE)</p> <p>Background Facts:</p> <p>An EDPRP was filed and served on the Respondent. The Respondent did not file an answer.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>OSI:</p> <p>1. Failed to first obtain a current Installer I or Installer II license before beginning construction of an OSSF in November or December of 2002 [30 TEX. ADMIN. CODE § 285.61(1) and TEX. HEALTH & SAFETY CODE § 366.071].</p> <p>2. Failed to notify the TCEQ of the date on which the Respondent planned to begin construction of an OSSF in November or December of 2002 [30 TEX. ADMIN. CODE § 285.61(5) and TEX. HEALTH & SAFETY CODE § 366.054].</p> <p>3. Failed to obtain documentation that the owner or owner's agent had permission from the permitting authority to begin construction, unless a permit is not required, before beginning construction of an OSS in November or December of 2002 [30 TEX. ADMIN. CODE § 285.61(4) and TEX. HEALTH & SAFETY CODE § 366.051(c)].</p>	<p>Total Assessed: \$750</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$750</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</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 Respondent shall undertake the following technical requirements:</p> <p>1. Immediately, cease installation or alteration of OSSFs and all other activities for which an OSSF installer license is required until proper training is completed and a TCEQ license is obtained.</p> <p>2. Submit all correspondence, reports, and documentation required by Ordering Provision No. 1.</p>

Penalty Calculation Worksheet (P V)

 Policy Revision 2 (09/02)		PCW Revision 6/12/2003	
DATES			
PCW	23-Mar-2004	Screening	4-Dec-2003
Priority Due	2-Apr-2004	EPA Due	
RESPONDENT INFORMATION			
Respondent	Brad Bolton		
Respondent/Site ID No(s)	TCEQ ID: None; Regulated Entity ID No. RN103051066		
Facility/Site Region	3 - Abilene	Major/Minor Source	Minor
CASE INFORMATION			
Enf./Case ID No(s)	CCEDS Case ID No. 11125		
Docket No.	2003-1528-OSI-E	No. Violations	3
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Bill Davis	EC's Team	Enforcement Team 7
Media Program(s)	On-Site Sewage Disposal		
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$750

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

Notes: No prior NOVs or Orders in the past 5 years. +

Culpability 0% Enhancement Subtotal 4 \$0

Notes: No Select Yes/No. The respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
Ordinary			
None of the above	X	(mark with small x)	

Notes: Violations are past events with no opportunity for compliance. +

Economic Benefit 0% Enhancement* Subtotal 6 \$0

\$39	Total EB Amounts	*Capped at the Total EB \$ Amount	=
\$540	Approx. Cost of Compliance		

SUM OF SUBTOTALS 1-7 Final Subtotal \$750

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)
 Notes: Final Penalty Amount \$750

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$750

DEFERRAL Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)
 Notes: No deferral is offered for non-expedited cases. =

PAYABLE PENALTY \$750

Screening Date	4-Dec-21	Docket No.	2003-1528-OSI-E	PCW
Respondent	Brad Bolton			Policy Revision 2 (09/02)
Case ID No.	CCEDS Case ID No. 11125			PCW Revision 6/12/2003
Respondent/Site ID No.	TCEQ ID: None; Regulated Entity ID No. RN103051066			
Media [Statute]	On-Site Sewage Disposal			
Enf. Coordinator	Bill Davis			
Site Address	1876 FM 2131, Coleman, Texas			

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 judgements 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%
<i>Please enter Yes or No</i>			
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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

Compliance History Summary

Compliance History Notes

Total Adjustment Percentage (Subtotals 2, 3 & 7)

Screening Date 04/03	Docket Number 2003-1528-OSI-E	PCW
Respondent Brad Bolton		Policy Revision 2 (09/02)
Case ID No. CCEDS Case ID No. 11125		PCW Revision 6/12/2003
Respondent/Site ID No. TCEQ ID: None; Regulated Entity ID No. RN103051066		
Media [Statute] On-Site Sewage Disposal		
Enf. Coordinator Bill Davis		
Violation Number 1		
Primary Rule Cite	30 TEX. ADMIN. CODE § 285.61(1)	
Secondary Cite(s)	TEX. HEALTH & SAFETY CODE § 366.071	
Violation Description	As documented during the TCEQ Region 3 inspection conducted on February 28, 2003, the respondent failed to possess a current Installer license before beginning construction of an OSSF system at a private residence.	
	Base Penalty	\$2,500
» Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
		Percent <input type="text"/>
» Programmatic Matrix		
	Falsification	Major Moderate Minor
OR	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Percent <input type="text"/> 10%
Matrix Notes	<input type="text"/> 100% of the requirement was not met.	
	Adjustment	<input type="text"/> -\$2,250
	Base Penalty Subtotal	\$250
» Violation Events		
	Number of Violation Events	<input type="text"/> 1
<i>mark only one; use small x</i>	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 <input type="text"/> \$250
Events Notes	<input type="text"/> One single event is recommended based on the February 28, 2003 inspection date.	
» Economic Benefit (EB) for this violation Statutory Limit Test		
	Estimated EB Amount (\$) <input type="text"/> \$37	Violation Final Penalty total <input type="text"/> \$250
	This Violation Final Assessed Penalty (adjusted for limits) <input type="text"/> \$250	

Economic Benefit Worksheet

Respondent: Brad Bolton
ID Number(s): CCEDS Case ID No. 11125
Media [Statute]: On-Site Sewage Disposal
Violation Number: 1

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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	28-Feb-2003	15-Aug-2004	1.5	\$37	n/a	\$37
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated cost to obtain the proper OSSF Installer license, calculated from the date of the inspection (February 28, 2003) to the estimated date of obtaining a license (August 15, 2004).

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/equip				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 \$500

TOTAL \$37

Screening Date	0-03	Docket Number	2003-1528-OSI-E	PCW
Respondent	Brad Bolton			Policy Revision 2 (09/02)
Case ID No.	CEEDS Case ID No. 11125			PCW Revision 6/12/2003
Respondent/Site ID No.	TCEQ ID: None; Regulated Entity ID No. RN103051066			
Media [Statute]	On-Site Sewage Disposal			
Enf. Coordinator	Bill Davis			
Violation Number	2			
Primary Rule Cite	30 TEX. ADMIN. CODE § 285.61(4)			
Secondary Cite(s)	TEX. HEALTH & SAFETY CODE § 366.051(c)			
Violation Description	As documented during the TCEQ Region 3 inspection conducted on February 28, 2003, the respondent failed to obtain the permitting authorities authorization to construct an OSSF system.			
		Base Penalty	\$2,500	

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text"/>
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the requirement was not met."/>			
		Adjustment	<input type="text" value="-2,250"/>	
		Base Penalty Subtotal	\$250	

Violation Events				
	Number of Violation Events	<input type="text" value="1"/>		
<i>mark only one; use small x</i>	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	<input type="text" value="\$250"/>
Events Notes	<input type="text" value="One single event is recommended based on the February 28, 2003 inspection date."/>			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) <input type="text" value="\$3"/>	Violation Final Penalty total <input type="text" value="\$250"/>
This Violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent: Brad Bolton
ID Number(s): CCEDS Case ID No. 11125
Media [Statute]: On-Site Sewage Disposal
Violation Number: 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)	\$25	28-Feb-2003	15-Aug-2004	1.5	\$0	\$2	\$3
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated cost to obtain authorization from the permitting authority, calculated from the date of the inspection (February 28, 2003) to the estimated date of obtaining authorization (August 15, 2004).

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/equip				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

TOTAL

Screening Date 04 03	Docket Number 2003-1528-OSI-E	PCW
Respondent Brad Bolton		Policy Revision 2 (09/02)
Case ID No. CCEDS Case ID No. 11125		PCW Revision 6/12/2003
Respondent/Site ID No. TCEQ ID: None; Regulated Entity ID No. RN103051066		
Media [Statute] On-Site Sewage Disposal		
Enf. Coordinator Bill Davis		
Violation Number 3		
Primary Rule Cite	30 TEX. ADMIN. CODE § 285.61(5)	
Secondary Cite(s)	TEX. HEALTH & SAFETY CODE § 366.054	
Violation Description	As documented during the TCEQ Region 3 inspection conducted on February 28, 2003, the respondent failed to notify the permitting authority of the date on which the construction of the OSSF system would begin.	
	Base Penalty	\$2,500

» **Environmental, Property and Human Health Matrix**

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

» **Programmatic Matrix**

	Major	Moderate	Minor	
OR	Falsification			Percent <input type="text" value="10%"/>
		x		

Matrix Notes

Adjustment

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events

<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) <input type="text" value="\$0"/>	Violation Final Penalty total <input type="text" value="\$250"/>
This Violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent Brad Bolton
ID Number(s) CCEDS Case ID No. 11125
Media [Statute] On-Site Sewage Disposal
Violation Number 3

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				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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$15	28-Feb-2003	1-Mar-2003	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

The avoided costs include the estimated cost to notify the permitting authority of the date on which the construction will begin for the OSSF system, calculated for the date of the inspection (February 28, 2003).

Approx Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN601589690 BOLTON, BRAD
Regulated Entity: RN103051066 BOLTON BRAD
ID Number(s):

Classification: Rating: 0.00
Classification: Site Rating: 0.00

Location:

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: December 02, 2003

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 02, 1998 to December 02, 2003

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Bill Davis Phone: (512) 239-6793

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?
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 dates of investigations.

2 06/24/2003

N/A

- E. Written notices of violations (NOV).

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
ENFORCEMENT ACTION
CONCERNING
BRAD BOLTON,
RN103051066

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2003-1528-OSI-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 366 and 30 TEX. ADMIN. CODE chs. 70 and 285, and the rules of the TCEQ, which requests appropriate relief, including the payment of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Brad Bolton ("Mr. Bolton").

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

FINDINGS OF FACT

1. Mr. Bolton was not licensed as an OSSF installer in 2002 and was operating at 1876 Farm-to-Market (FM) 2131, Coleman, Coleman County, Texas (the "Site") where he installed or attempted to install an on-site sewage facility ("OSSF").
2. During an inspection on February 28, 2003, a TCEQ Abilene Regional Office investigator documented that Mr. Bolton:
 - a. Failed to first obtain a current Installer I or Installer II license before beginning construction of an OSSF at 1876 Farm to Market (FM) 2131, Coleman, Coleman County, Texas in November or December of 2002;
 - b. Failed to notify the TCEQ of the date on which Mr. Bolton planned to begin construction of an OSSF at 1876 FM 2131, Coleman, Coleman County, Texas in November or December of 2002; and

- c. Failed to obtain documentation that the owner or owner's agent had permission from the permitting authority to begin construction, unless a permit is not required, before beginning construction of an OSSF at 1876 FM 2131, Coleman, Coleman County, Texas in November or December of 2002.
3. Mr. Bolton received notice of the violations on or about April 1, 2003.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Brad Bolton" (the "EDPRP") in the TCEQ Chief Clerk's office on July 23, 2004.
5. By letter dated July 23, 2004, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Bolton with notice of the EDPRP. According to the return receipt "green card", Mr. Bolton received notice of the EDPRP on or about July 26, 2004, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Mr. Bolton received notice of the EDPRP, provided by the Executive Director. Mr. Bolton failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Mr. Bolton is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 366, 30 TEX. ADMIN. CODE chs. 70 and 285, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Mr. Bolton failed to first obtain a current Installer I or Installer II license before beginning construction of an OSSF at 1876 Farm to Market (FM) 2131, Coleman, Coleman County, Texas in November or December of 2002, in violation of 30 TEX. ADMIN. CODE § 285.61(1) and TEX. HEALTH & SAFETY CODE § 366.071.
3. As evidenced by Finding of Fact No. 2.b., Mr. Bolton failed to notify the TCEQ of the date on which Mr. Bolton planned to begin construction of an OSSF at 1876 FM 2131, Coleman, Coleman County, Texas in November or December of 2002, in violation of 30 TEX. ADMIN. CODE § 285.61(5) and TEX. HEALTH & SAFETY CODE § 366.054.
4. As evidenced by Finding of Fact No. 2.c., Mr. Bolton failed to obtain documentation that the owner or owner's agent had permission from the permitting authority to begin construction,

unless a permit is not required, before beginning construction of an OSSF at 1876 FM 2131, Coleman, Coleman County, Texas in November or December of 2002, in violation of 30 TEX. ADMIN. CODE § 285.61(4) and TEX. HEALTH & SAFETY CODE § 366.051(c).

5. As evidenced by Finding of Fact Nos. 4 and 5, the Executive Director has timely served Mr. Bolton with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 6, Mr. Bolton has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Bolton and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Bolton for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of seven hundred fifty dollars (\$750.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Mr. Bolton is assessed an administrative penalty in the amount of seven hundred fifty dollars (\$750.00) for violations of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 366 and 30 TEX. ADMIN. CODE chs. 70 and 285 and rules of the TCEQ. The payment of this administrative penalty and Mr. Bolton's compliance with all the terms and conditions set forth in this Order completely resolve 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 other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on

Environmental Quality”. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation “Re: Brad Bolton; Docket No. 2003-1528-OSI-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. Mr. Bolton shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Order, Mr. Bolton shall cease installation or alteration of OSSFs and all other activities for which an OSSF installer license is required as described in 30 TEX. ADMIN. CODE §§ 30.240 and 285.50 until proper training is completed and a TCEQ license is obtained, in accordance with 30 TEX. ADMIN. CODE ch. 30.
- b. Mr. Bolton shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

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

and

James Beauchamp, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Blvd.
Abilene, Texas 79602-7833

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Bolton. Mr. Bolton is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.

5. If Mr. Bolton 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, Mr. Bolton's failure to comply is not a violation of this Order. Mr. Bolton shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Bolton shall notify the Executive Director within seven days after Mr. Bolton becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Bolton shall be made in writing to the Executive Director. Extensions are not effective until Mr. Bolton receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Bolton if the Executive Director determines that Mr. Bolton has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Brad Bolton
DOCKET NO. 2003-1528-OSI-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JIM SALLANS

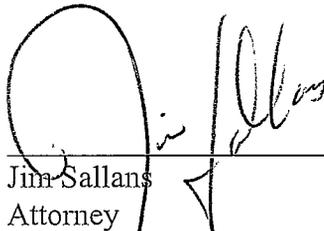
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jim Sallans. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Brad Bolton” (the “EDPRP”) with the Office of the Chief Clerk on July 23, 2004.

I sent the EDPRP to Mr. Bolton at his last known address on July 23, 2004 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Mr. Bolton received notice of the EDPRP on or about July 26, 2004, as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Bolton received notice of the EDPRP. Mr. Bolton failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.

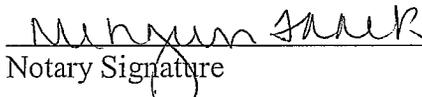


Jim Sallans
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jim Sallans, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 1th day of July, A.D., 2007.





Notary Signature