

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1761-PWS-E **TCEQ ID:** RN102225372 **CASE NO.:** 31351
RESPONDENT NAME: James Kim dba Casey Ridge Grocery

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: Casey Ridge Grocery, 27630 Farm-to-Market Road 1485, New Caney, Montgomery County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. 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 January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Stacy Tanner, Houston Regional Office, MC R-12, (713) 767-3653

Respondent: Mr. James Kim, Owner, Casey Ridge Grocery, P.O. Box 1559, New Caney, Texas 77357

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: September 5, 2006</p> <p>Date of NOE Relating to this Case: September 18, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to submit well completion data on the well to the TCEQ for review and approval prior to placing the well in service and to maintain the data on file for as long as the well remains in service, copies of well completion data [30 TEX. ADMIN CODE §§ 290.41(c)(3)(A) and 290.46(n)(3)].</p> <p>2) Failed to submit plans and specifications for written approval prior to construction on a public water system and failed to maintain engineering plans and maps and make the records available to the executive director upon request [30 TEX. ADMIN CODE §§ 290.39(h)(1) and 290.46(n)(1)].</p>	<p>Total Assessed: \$220</p> <p>Total Deferred: \$44 <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: \$176</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Mr. Kim submitted a chlorine residual log on September 5, 2006 to verify that the facility is in compliance with the chlorine residual requirements.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> i. Submit a copy of the well completion data for the well for review; and ii. Prepare and submit engineering plans, which have been prepared by a licensed engineer for review; and <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including all correspondence, reports, plans and documentation required by Ordering Provision 2.a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned PCW	25-Sep-2006 02-Oct-2006	Screening	02-Oct-2006	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	James Kim dba Casey Ridge Grocery
Reg. Ent. Ref. No.	RN102225372
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31351	No. of Violations	2
Docket No.	2006-1761-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No **Subtotal 4**

Notes

Good Faith Effort to Comply 0% Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$152"/>	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	<input type="text" value="\$5,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 20% Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 02-Oct-2006

Docket No. 2006-1761-PWS-E

PCW

Respondent James Kim dba Casey Ridge Grocery

Policy Revision 2 (September 2002)

Case ID No. 31351

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102225372

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	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)	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%
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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 10% enhancement is recommended for having two same or similar violations in the the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 02-Oct-2006

Docket No. 2006-1761-PWS-E

PCW

Respondent James Kim dba Casey Ridge Grocery

Policy Revision 2 (September 2002)

Case ID No. 31351

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102225372

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin Code §§ 290.41(c)(3)(A) and 290.46(n)(3)

Secondary Rule Cite(s)

Violation Description

Failure to submit well completion data on the well to the TCEQ for review and approval prior to placing the well in service; and failure to maintain on file for as long as the well remains in service, copies of well completion data, as documented during the September 5, 2006 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes: 100% of the rule requirement has not been met.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$76

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet

Respondent James Kim dba Casey Ridge Grocery
 Case ID No. 31351
 Reg. Ent. Reference No. RN102225372
 Media [Statute] 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
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	05-Sep-2006	15-Apr-2007	0.6	\$76	n/a	\$76

Notes for DELAYED costs: Estimated costs to generate and submit well completion data on the well to the TCEQ for review. Date required is the date of the investigation. Final date is the date the respondent is anticipated to come into compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$76**

Screening Date 02-Oct-2006

Docket No. 2006-1761-PWS-E

PCW

Respondent James Kim dba Casey Ridge Grocery

Policy Revision 2 (September 2002)

Case ID No. 31351

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102225372

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to submit plans and specifications for written approval prior to construction on a public water system. Failure to maintain engineering plans and maps and to make the records available to the executive director upon request. Specifically, the respondent failed to get approval for a public water system prior to construction and failed to provide engineering plans and maps as requested by the executive director, as documented during the September 5, 2006 investigation.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One monthly event is recommended, calculated from the September 5, 2006 investigation date to the October 2, 2006 screening date.

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: James Kim dba Casey Ridge Grocery
 Case ID No. 31351
 Reg. Ent. Reference No. RN102225372
 Media [Statute] Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
Description: 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	05-Sep-2006	15-Apr-2007	0.6	\$76	n/a	\$76

Notes for DELAYED costs: Estimated costs to retain a licensed professional engineer in the state of Texas skilled in design and development of public water supply systems to generate and submit to the TCEQ "as-built" plans and specifications. Date required is the date of the investigation. Final date is the date the respondent is anticipated to come into 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 **\$76**

Compliance History

Customer/Respondent/Owner-Operator:	CN602490310 KIM, JAMES	Classification: AVERAGE	Rating: 9.50
Regulated Entity:	RN102225372 CASEY RIDGE GROCERY	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION	34199
	REGISTRATION PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1700726
Location:	27630 FM 1485 RD, NEW CANEY, TX, 77357	Rating Date: September 01 06 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	October 04, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 25, 2001 to September 25, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Libby Hogue	Phone:	(512) 239-1165

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 | 07/22/2003 | (119409) |
| 2 | 09/18/2006 | (511550) |
| 3 | 04/14/2004 | (269176) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|--------------------------|
| Date: | 07/18/2003 | (119409) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A) | | |
| Description: | Failure to perform at least once every seven days, a chlorine residual test on water collected from various locations within the distribution system. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)[G] | | |
| Description: | Failure to possess a DPD chlorine test kit. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(1)[G] | | |
| Description: | Failure to develop a system monitoring plan that specifies locations where microbial contaminants will be monitored. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii) | | |
| Description: | Failure to meet the 220 gallon pressure tank capacity requirement. | | |
| Self Report? | NO | | Classification: Major |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(h)[G] | | |
| Description: | Failure to secure the services of a registered professional engineer well versed in | | |

the design and construction of public water systems.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
 Description: Failure to provide a suitable sampling tap on the well discharge line.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 Description: Failure to submit well completion data on the well for the our review and approval.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to lock the well house facilities.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
 Description: Failure to provide all pressure tanks with a pressure release device.
 Failure to provide all pressure tanks with a pressure release device.
 Failure to provide all pressure tanks with a pressure release device.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
 Description: Failure to provide all pressure tanks with an easily readable pressure gauge.
 Date: 04/14/2004 (269176)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to perform at least once every seven days, a chlorine residual test on water collected from various locations within the distribution system.

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)[G]
 Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 Description: Failure to submit well completion data on the well for the our review and approval.

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
JAMES KIM DBA CASEY RIDGE
GROCERY
RN102225372

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1761-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 James Kim dba Casey Ridge Grocery ("Mr. Kim") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Kim appear before the Commission and together stipulate that:

1. Mr. Kim owns and operates a public water supply at 27630 Farm-to-Market Road 1485 in New Caney, Montgomery County, Texas (the "Facility") that has one service connection and serves at least 25 people per month for at least 60 days per year.
2. The Commission and Mr. Kim agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Kim is subject to the Commission's jurisdiction.
3. Mr. Kim received notice of the violations alleged in Section II ("Allegations") on or about September 23, 2006.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Kim of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Hundred Twenty Dollars (\$220) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Kim has paid One Hundred Seventy-Six Dollars (\$176) of the administrative penalty and Forty-Four Dollars (\$44) is deferred contingent upon Mr. Kim'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. Kim fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Kim 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. Kim have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Mr. Kim submitted a chlorine residual log on September 5, 2006 to verify that the facility is in compliance with the chlorine residual requirements.
9. 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. Kim has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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. Kim is alleged to have:

1. Failed to submit well completion data on the well to the TCEQ for review and approval prior to placing the well in service and to maintain the data on file for as long as the well remains in service, copies of well completion data, in violation of 30 TEX. ADMIN CODE §§ 290.41(c)(3)(A) and 290.46(n)(3), as documented during an investigation conducted on September 5, 2006.
2. Failed to submit plans and specifications for written approval prior to construction on a public water system and failed to maintain engineering plans and maps and make the records available to the executive director upon request, in violation of 30 TEX. ADMIN CODE §§ 290.39(h)(1) and 290.46(n)(1), as documented during an investigation conducted on September 5, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Kim pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Kim's compliance

...the ... of ...

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: James Kim dba Casey Ridge Grocery, Docket No. 2006-1761-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. Kim shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a copy of the well completion data for the well for review, in accordance with 30 TEX. ADMIN CODE § 290.41; and
 - ii. Prepare and submit engineering plans, which have been prepared by a licensed engineer for review, in accordance with 30 TEX. ADMIN CODE § 290.39 to:

Water Supply Division, Utilities Technical Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including all correspondence, reports, plans and documentation required by Ordering Provision 2.a.

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. This is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. This includes both qualitative and quantitative approaches, as well as the use of advanced statistical tools and software.

3. The third part of the document focuses on the interpretation and application of the collected data. This involves identifying trends, patterns, and insights that can be used to inform decision-making and strategic planning.

4. The fourth part of the document discusses the challenges and limitations of data analysis. This includes issues such as data quality, bias, and the complexity of interpreting large datasets. It also highlights the need for ongoing monitoring and evaluation of the analysis process.

5. The fifth part of the document provides a summary of the key findings and conclusions. It emphasizes the importance of using data-driven insights to drive organizational success and improve performance. It also offers recommendations for future research and practice.

6. The sixth part of the document includes a list of references and sources used in the research. This provides a clear and concise way to cite the work of other researchers and experts in the field. It also allows readers to explore the topic further and access the original sources of information.

7. The seventh part of the document is a conclusion that summarizes the overall findings and implications of the study. It reiterates the importance of data analysis in understanding complex systems and making informed decisions. It also offers a final thought on the future of data analysis and its potential to transform various industries and sectors.

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:

Manager, Water Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Kim. Mr. Kim 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. Kim shall be made in writing to the Executive Director. Extensions are not effective until Mr. Kim 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. Kim 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. Kim, or three days after the date on which the Commission mails notice of the Order to Mr. Kim, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven strategies. It discusses how the insights gained from data analysis can be used to inform decision-making and to develop targeted interventions to improve organizational performance.

4. The fourth part of the document addresses the challenges and risks associated with data management. It identifies common pitfalls such as data quality issues, privacy concerns, and security risks, and provides recommendations for mitigating these risks.

5. The fifth part of the document discusses the future of data management and analytics. It explores emerging trends such as artificial intelligence, machine learning, and big data, and discusses their potential impact on the organization's data strategy.

6. The sixth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of a data-driven approach and the need for continuous monitoring and evaluation of the organization's data management practices.

7. The final part of the document includes a list of references and a glossary of key terms. The references provide additional resources for further reading on the topics discussed in the document, and the glossary helps to clarify the meaning of technical terms used throughout the text.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/10/07

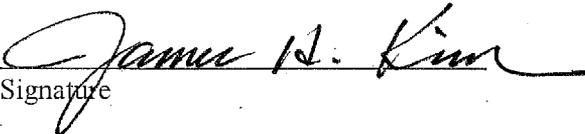
Date

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.



Signature

11-07-06

Date

JAMES H. KIM

Name (Printed or typed)
Authorized Representative of
James Kim dba Casey Ridge Grocery

OWNER

Title

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

[Handwritten signature]

[Handwritten signature]

The undersigned hereby certify that the above is a true and correct copy of the original as the same appears in the records of the County of [County Name], State of [State Name].

Witness my hand and seal of office this [Day] day of [Month], 2008.

[Name of Official]

11-09-08

[Handwritten signature]

RECORDED

JAMES H. [Name]

County Clerk