EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2037-PWS-E **TCEQ ID:** RN101248524 **CASE NO.:** 31788

RESPONDENT NAME: Texas Parks and Wildlife Department

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Meridian State Park, three miles southwest of Meridian off State Highway 22, Bosque County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: ___ Yes __X__ 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 March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-4077; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. D. R. Sholly, State Parks Deputy Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744-3291
Mr. Billy Baker, Park Superintendent, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744-3291

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

RESPONDENT'S NAME: Texas Parks and Wildlife Department
DOCKET NO.: 2006-2037-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** October 26, 2006 **Date of NOE Relating to this Case:** November 9, 2006 (NOE) **Background Facts:** This was a routine investigation. Three violations were documented. **WATER** 1. Failed to provide an adequate production and service pump capacity for a purchased water system [30 TEX. ADMIN. CODE § 290.45(f)(4) and 290.45(f)(5)]. 2. Failed to have a supply of calcium hypochlorite disinfectant available [30 TEX. ADMIN. CODE § 290.46(h)]. 3. Failed to provide water system records for review at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].	**Total Assessed:** $450 **Total Deferred:** $90 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $360 **Site Compliance History Classification** __ **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 10 days after the effective date of this Agreed Order: i. Implement procedures to ensure that a supply of calcium hypochlorite disinfectant is kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service; and ii. Begin preparing and maintaining a chlorine residual monitoring log and make it available at the time of Commission inspection. b. Within 25 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.; c. Within 60 days after the effective date of this Agreed Order, obtain a contract that will specify an adequate production capacity and service pump capacity for purchased water system; and d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision November 17, 2006*

DATES					
Assigned	13-Nov-2006				
PCW	29-Nov-2006	Screening	27-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Parks and Wildlife Department		
Reg. Ent. Ref. No.	RN101248524		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31788	No. of Violations	3
Docket No.	2006-2037-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $450

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 change to penalty due to average performer classification.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: Respondent does not meet the culpability criteria.

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

	Before NOV	NOV to EDPRP/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

**Capped at the Total EB $ Amount*

Total EB Amounts	$29
Approx. Cost of Compliance	$800

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $450

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 $450

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $450

DEFERRAL — 20% Reduction — *Adjustment* -$90

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $360

Screening Date 27-Nov-2006 Docket No. 2006-2037-PWS-E PCW

Respondent Texas Parks and Wildlife Department

Case ID No. 31788

Reg. Ent. Reference No. RN101248524

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

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*)	0	0%
	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 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)

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: No change to penalty due to average performer classification.

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

Screening Date 27-Nov-2006 **Docket No.** 2006-2037-PWS-E **PCW**

Respondent Texas Parks and Wildlife Department *Policy Revision 2 (September 2002)*

Case ID No. 31788 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101248524

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin Code § 290.45(f)(4) and 290.45(f)(5)

Violation Description Failed to provide an adequate production and service pump capacity for a purchased water system. Specifically, the respondent has not obtained a water purchase contract and has no other source of supplying treated water, resulting in a 100% deficiency.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 27 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $19

Statutory Limit Test

Violation Final Penalty Total $100

This violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 31788
Reg. Ent. Reference No. RN101248524
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)	$500	26-Oct-2006	26-Jul-2007	0.7	$19	n/a	$19
Notes for DELAYED costs	The delayed costs include the amount to obtain a contract to meet the production and service pump capacity for purchased water system, calculated from the date of the investigation to 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	There are no avoided costs associated with this violation.						

Approx. Cost of Compliance: $500

TOTAL: $19

Screening Date	27-Nov-2006	**Docket No.** 2006-2037-PWS-E	**PCW**
Respondent	Texas Parks and Wildlife Department		*Policy Revision 2 (September 2002)*
Case ID No.	31788		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN101248524		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Yuliya Dunaway		

Violation Number 2

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

Violation Description Failed to have a supply of calcium hypochlorite disinfectant available. Specifically, at the time of the investigation, no calcium hypochlorite disinfectant was available for use when making repairs, setting new meters and disinfecting new mains prior to placing them in service.

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: Failure to have a supply of calcium hypochlorite disinfectant available could allow customers of the public water supply to be exposed to pollutants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $7

Statutory Limit Test

Violation Final Penalty Total $250

This violation Final Assessed Penalty (adjusted for limits) $250

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 31788
Reg. Ent. Reference No. RN101248524
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$200	26-Oct-2006	4-May-2007	0.5	$0	$7	$7
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 amount to provide calcium hypochlorite disinfectant, calculated from the date of the investigation to 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	There are no avoided costs associated with this violation.						

Approx. Cost of Compliance: $200

TOTAL: $7

Screening Date 27-Nov-2006 **Docket No.** 2006-2037-PWS-E **PCW**

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 31788

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101248524

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

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

Violation Description Failed to provide water system records for review at the time of the investigation. Specifically, at the time of the investigation, the chlorine residual monitoring log was not available for the investigator's review.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 1

27 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $100

This violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 31788
Reg. Ent. Reference No. RN101248524
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item 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	$100	26-Oct-2006	6-May-2007	0.5	$3	n/a	$3
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 amount to prepare and maintain a chlorine residual monitoring log, calculated from the date of the investigation to 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: There are no avoided costs associated with this violation.

Approx. Cost of Compliance: $100

TOTAL: $3

Compliance History

Customer/Respondent/Owner-Operator:	CN600134852	Texas Parks and Wildlife Department	Classification: AVERAGE	Rating: 2.60
Regulated Entity:	RN101248524	TPWD MERIDIAN STATE PARK	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0180060
	WATER LICENSING	LICENSE	0180060
Location:	3 MILES SW OF MERIDIAN OFF STATE HWY 22		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	November 16, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 16, 2001 to November 16, 2006		

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

Name: Yuliya Dunaway Phone: (210) 403-4077

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 11/08/2006 (517134)

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	§	**TEXAS COMMISSION ON**
TEXAS PARKS AND WILDLIFE	§	
DEPARTMENT	§	**ENVIRONMENTAL QUALITY**
RN101248524		

AGREED ORDER
DOCKET NO. 2006-2037-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 Texas Parks and Wildlife Department ("TPWD") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and TPWD appear before the Commission and together stipulate that:

1. TPWD owns and operates a public water system three miles southwest of Meridian off State Highway 22 in Bosque County, Texas (the "Facility") that has approximately 53 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and TPWD agree that the Commission has jurisdiction to enter this Agreed Order, and that TPWD is subject to the Commission's jurisdiction.

3. TPWD received notice of the violations alleged in Section II ("Allegations") on or about November 14, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TPWD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Four Hundred Fifty Dollars ($450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). TPWD has paid Three Hundred Sixty Dollars ($360) of the administrative penalty and Ninety Dollars ($90) is deferred contingent upon TPWD'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 TPWD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TPWD 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 TPWD 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 TPWD 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, TPWD is alleged to have:

1. Failed to provide an adequate production and service pump capacity for a purchased water system, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4) and 290.45(f)(5), as documented during the investigation conducted on October 26, 2006.

2. Failed to have a supply of calcium hypochlorite disinfectant available, in violation of 30 TEX. ADMIN. CODE § 290.46(h), as documented during the investigation conducted on October 26, 2006.

3. Failed to provide water system records for review at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during the investigation conducted on October 26, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that TPWD pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and TPWD'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: Texas Parks and Wildlife Department, Docket No. 2006-2037-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 TPWD shall undertake the following technical requirements:

   a. Within 10 days after the effective date of this Agreed Order:

      i. Implement procedures to ensure that a supply of calcium hypochlorite disinfectant is kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service, as required by 30 TEX. ADMIN. CODE § 290.46(h); and

      ii. Begin preparing and maintaining a chlorine residual monitoring log and make it available at the time of Commission inspection, as required by 30 TEX. ADMIN. CODE § 290.46(f);

   b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.;

   c. Within 60 days after the effective date of this Agreed Order, obtain a contract that will specify an adequate production capacity and service pump capacity for purchased water system, as required by 30 TEX. ADMIN. CODE § 290.45; and

   d. Within 75 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 No. 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 TPWD. TPWD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the 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 TPWD shall be made in writing to the Executive Director. Extensions are not effective until TPWD 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 TPWD 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 TPWD, or three days after the date on which the Commission mails notice of the Order to TPWD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

5/11/07
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

12/20/06
Date

D. R. Sholly
Name (Printed or typed)
Authorized Representative of
Texas Parks and Wildlife Department

State Parks Deputy Director
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.

20/05/25