

EXECUTIVE SUMMARY - ENFORCEMENT MATTER**DOCKET NO.:** 2006-2101-MWD-E **TCEQ ID:** RN101179299 **CASE NO.:** 31886**RESPONDENT NAME:** Keith Blair dba Lake Fork Marina WWTP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Lake Fork Marina WWTP, located approximately 1.0 mile south of the intersection of Farm-to-Market Road 515 and Farm-to-Market Road 17 and approximately 5.0 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182, Wood County</p> <p>TYPE OF OPERATION: Domestic wastewater system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5363; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Keith Blair, Owner, Lake Fork Marina WWTP, 275 County Road 1558, Alba, Texas 75410 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: November 13, 2006</p> <p>Date of NOE Relating to this Case: November 27, 2006(NOE)</p> <p>Background Facts: This was a routine scheduled record review.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 12960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE §26.121(a)].</p>	<p>Total Assessed: \$3,420</p> <p>Total Deferred: \$684 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$228 (the remaining \$2,508 will be paid in 11 monthly payments of \$228 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Mr. Blair made repairs to the electric motor that provides power to the facility on July 17, 2006 and returned to compliance with the permitted effluent limits on August 31, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	5-Dec-2006		
	PCW	8-Dec-2006	Screening	6-Dec-2006
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	Keith Blair dba Lake Fork Marina WWTP		
Reg. Ent. Ref. No.	RN101179299		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31886	No. of Violations	1
Docket No.	2006-2101-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 39% Enhancement Subtotals 2, 3, & 7 \$1,170

Notes: A 39% enhancement is recommended for having seven NOV's for self-reported effluent data and two NOV's for non-similar violations within the last five years.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 \$750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The respondent came into compliance on July 17, 2006, when repairs were made to the facility and returned to compliance with the permitted effluent limits on August 31, 2006.

0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$185	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7 Final Subtotal \$3,420

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 \$3,420

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$3,420

DEFERRAL 20% Reduction Adjustment -\$684

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$2,736

Screening Date 6-Dec-2006

Docket No. 2006-2101-MWD-E

PCW

Respondent Keith Blair dba Lake Fork Marina WWTP

Policy Revision 2 (September 2002)

Case ID No. 31886

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101179299

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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)	7	35%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

>> 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 39% enhancement is recommended for having seven NOVs for self-reported effluent data and two NOVs for non-similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 39%

Screening Date 6-Dec-2006

Docket No. 2006-2101-MWD-E

PCW

Respondent Keith Blair dba Lake Fork Marina WWTP

Policy Revision 2 (September 2002)

Case ID No. 31886

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN101179299

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on November 13, 2006. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand ("CBOD") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow, chlorine residual, total suspended solids ("TSS"), and ammonia nitrogen ("NH3-H") values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

92 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$185

Violation Final Penalty Total \$3,420

This violation Final Assessed Penalty (adjusted for limits) \$3,420

Economic Benefit Worksheet

Respondent: Keith Blair dba Lake Fork Marina WWTP
Case ID No.: 31886
Reg. Ent. Reference No.: RN101179299
Media: Water Quality
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)	\$2,000	31-Oct-2005	8-Sep-2007	1.9	\$185	n/a	\$185

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

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

\$2,000

TOTAL

\$185

Effluent Violation Table
 Keith Blair dba Lake Fork Marina WWTP
 TPDES Permit No. 12960001 (Outfall 001A)
 Docket No. 2006-2101-MWD-E

Permitted Effluent Limits	Monitoring Period End Date		
	10/31/2005	04/30/06	07/31/06
CBOD Daily Avg. 10 mg/L	C	44.9	18.7
CBOD Daily Max 35 mg/L	C	125	44
TSS Daily Avg. 15 mg/L	C	26.5	C
Min. Residual Cl 1.0 mg/L	0	C	C

Avg. = average	C = compliant	mg/L = milligrams per liter
TSS = total suspended solids	CBOD= carbonaceous biochemical oxygen demand	Cl= chlorine
Min.= minimum		

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 15 1964

TO THE DIRECTOR
OF THE UNIVERSITY OF CHICAGO

FROM THE DEPARTMENT OF CHEMISTRY

Compliance History

Customer/Respondent/Owner-Operator: CN601235492 BLAIR, KEITH Classification: AVERAGE Rating: 0.37
 Regulated Entity: RN101179299 LAKE FORK MARINA WWTP Classification: AVERAGE Site Rating: 0.37

ID Number(s): UTILITIES REGISTRATION 20736
 WASTEWATER PERMIT WQ0012960001
 WASTEWATER PERMIT TPDES0096059
 WASTEWATER PERMIT TX0096059
 WASTEWATER LICENSING LICENSE WQ0012960001

Location: approximately 1.0 mile south of the intersection of Farm-to-Market Road 515 and Farm-to-Market Road 17 and approximately 5.0 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182 in Wood County, Texas
 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: December 05, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 05, 2001 to December 05, 2006

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

Name: Samuel Short Phone: (512) 239-5363

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 10/22/2002 (217016)
- 2 11/19/2002 (217019)
- 3 12/27/2001 (217021)
- 4 12/16/2002 (217022)
- 5 01/22/2002 (217025)
- 6 01/21/2003 (217026)
- 7 09/19/2006 (512346)
- 8 02/21/2006 (478300)
- 9 03/24/2006 (478301)
- 10 10/11/2005 (478302)
- 11 11/09/2005 (478303)
- 12 11/28/2005 (478304)
- 13 12/19/2005 (478305)
- 14 01/25/2006 (478306)
- 15 06/28/2006 (483619)
- 16 06/23/2004 (275514)
- 17 05/17/2004 (362780)
- 18 04/27/2005 (425547)
- 19 06/21/2004 (362781)
- 20 05/17/2005 (425548)
- 21 07/19/2004 (362782)
- 22 06/21/2005 (425549)
- 23 02/17/2003 (320196)
- 24 08/16/2004 (362783)
- 25 02/20/2004 (320197)
- 26 09/20/2004 (362784)
- 27 03/17/2004 (320198)
- 28 10/25/2004 (362785)
- 29 04/19/2004 (320199)
- 30 05/19/2003 (320200)
- 31 06/23/2003 (320201)

32 07/15/2003 (320202)
 33 08/20/2003 (320203)
 34 06/14/2005 (395729)
 35 09/17/2003 (320204)
 36 10/21/2003 (320205)
 37 11/13/2003 (320206)
 38 12/18/2003 (320207)
 39 01/28/2004 (320208)
 40 04/19/2006 (504542)
 41 05/17/2006 (504543)
 42 06/19/2006 (504544)
 43 07/09/2003 (112704)
 44 02/19/2002 (216991)
 45 02/21/2005 (387914)
 46 03/21/2005 (387915)
 47 03/15/2002 (216993)
 48 11/17/2004 (387916)
 49 03/17/2003 (216994)
 50 12/27/2004 (387917)
 51 01/20/2005 (387918)
 52 04/17/2002 (216998)
 53 04/18/2003 (216999)
 54 05/20/2002 (217001)
 55 07/20/2006 (526858)
 56 08/18/2006 (526859)
 57 06/20/2002 (217004)
 58 11/29/2006 (519461)
 59 09/25/2006 (526860)
 60 07/25/2002 (217007)
 61 08/05/2005 (446094)
 62 08/22/2005 (446095)
 63 08/16/2002 (217010)
 64 09/16/2002 (217013)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2005 (478304)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2004 (362780)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (320198)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2006 (504543)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/29/2006 (483619)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to provide preliminary treatment units for the wastewater being introduced into the wastewater treatment facility.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)[G]
 Rqmt Prov: PERMIT IA
 Description: Failure to maintain the structural integrity of the aeration tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(b)(6)(A)
 Rqmt Prov: PERMIT IA

Description: Failure to equalize the flow of wastewater entering the wastewater treatment plant.
 Date: 02/28/2005 (387915)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2003 (216994)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/17/2005 (395729)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)(4)(B)[G]

Description: Failure to maintain a minimum of two mechanical aeration devices.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to prevent deleterious material from the trees and shrubs around the
 wastewater plant from entering the wastewater treatment units.
 Date: 07/31/2006 (526859)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

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
KEITH BLAIR DBA LAKE FORK
MARINA WWTP
RN101179299**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2006-2101-MWD-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 Keith Blair dba Lake Fork Marina WWTP ("Mr. Blair") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Blair appear before the Commission and together stipulate that:

1. Mr. Blair owns a domestic wastewater system located approximately 1.0 mile south of the intersection of Farm-to-Market Road 515 and Farm-to-Market Road 17 and approximately 5.0 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182 in Wood County, Texas (the "Facility").
2. Mr. Blair has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Mr. Blair agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Blair is subject to the Commission's jurisdiction.
4. Mr. Blair received notice of the violations alleged in Section II ("Allegations") on or about December 2, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Blair of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Four Hundred Twenty Dollars (\$3,420) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Blair has paid Two Hundred Twenty-Eight Dollars (\$228) of the administrative penalty and Six Hundred Eighty-Four Dollars (\$684) is deferred contingent upon Mr. Blair's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Blair fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Blair to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Five Hundred Eight Dollars (\$2,508) of the administrative penalty shall be payable in 11 monthly payments of Two Hundred Twenty-Eight Dollars (\$228) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Blair fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Blair to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Blair to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Mr. Blair have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Blair made repairs to the electric motor that provides power to the facility on July 17, 2006 and returned into compliance with the permitted effluent limits on August 31, 2006.
10. 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. Blair has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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 of the Facility, Mr. Blair is alleged to have failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12960001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on November 13, 2006. See table below.

...the ... of ...

Effluent Violation Table			
TPDES Permit No. 12960001 (Outfall 001A)			
Permitted Effluent Limits	Monitoring Period End Date		
	10/31/2005	04/30/06	07/31/06
CBOD Daily Avg. 10 mg/L	C	44.9	18.7
CBOD Daily Max 35 mg/L	C	125	44
TSS Daily Avg. 15 mg/L	C	26.5	C
Min. Residual Cl 1.0 mg/L	0	C	C

Avg. = average	C = compliant	mg/L = milligrams per liter
TSS = total suspended solids	CBOD= carbonaceous biochemical oxygen demand	Cl= chlorine
Min.= minimum		

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Blair pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Blair'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: Keith Blair dba Lake Fork Marina WWTP, Docket No. 2006-2101-MWD-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. The provisions of this Agreed Order shall apply to and be binding upon Mr. Blair. Mr. Blair 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.
3. If Mr. Blair fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Blair's failure to comply is not a violation of this Agreed Order. Mr. Blair shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Blair shall notify the Executive Director within seven days after Mr. Blair becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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. Blair shall be made in

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data. This section also covers the various methods used to collect and analyze the information, highlighting the need for consistency and precision in all stages of the process.

In the second section, the focus shifts to the practical application of the findings. The authors describe how the data was used to identify key trends and patterns, and how these insights were translated into actionable recommendations. This part of the report provides a detailed overview of the implementation process, including the challenges faced and the strategies used to overcome them.

The final section of the document provides a summary of the overall results and conclusions. The authors reiterate the significance of the findings and the impact of the study. They also discuss the limitations of the research and suggest areas for future investigation. This concluding section serves as a comprehensive overview of the entire project, from its initial goals to the final outcomes.

In conclusion, this report has provided a thorough analysis of the data and its implications. The findings demonstrate the value of the research and the effectiveness of the methods used. The authors hope that these insights will be helpful to others in the field and that they will contribute to the advancement of knowledge in this area.

writing to the Executive Director. Extensions are not effective until Mr. Blair 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. Blair 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. Blair, or three days after the date on which the Commission mails notice of the Order to Mr. Blair, 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

5/21/07

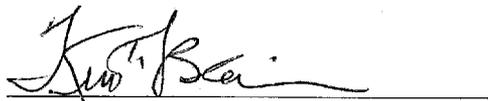
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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



Signature

Feb 19, 2007

Date

KEITH BLAIR

Name (Printed or typed)
Authorized Representative of
Keith Blair dba Lake Fork Marina WWTP

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.

1910

1910

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various expeditions and the results obtained. The report concludes with a summary of the work done and a list of the names of the persons who have taken part in it.

The second part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The third part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The fourth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The fifth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The sixth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The seventh part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The eighth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The ninth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.

The tenth part of the report deals with the results of the various expeditions. It is divided into several sections, each dealing with a different expedition. The first section deals with the expedition to the north, the second with the expedition to the south, and the third with the expedition to the west. Each section contains a detailed account of the route taken, the difficulties encountered, and the results obtained.