

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-0022-PWS-E TCEQ ID: RN101453512 CASE NO.: 27846**  
**RESPONDENT NAME: CHONG BAI XIA DBA TWIN LAKES WATER CO.**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER RIGHTS	<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 6495 Appian Way, Fort Worth, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Public Water System</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 12, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinators: Mr. Jorge Ibarra, Enforcement Division, MC 149, (817) 588-5890  TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901  Respondent: Mr. Chong Bai Xai, Owner, Twin Lakes Water Co., 6495 Appian Way, Fort Worth, Texas 76135-9615  Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 1, 2005</p> <p><b>Date of NOE Relating to this Case:</b> December 12, 2005</p> <p><b>Background Facts:</b> The EDPRP was filed on March 27, 2006. The Respondent signed an Agreed Order on December 28, 2006. The Respondent owes \$200 in penalties pursuant to Docket No. 2005-0732-PWS, which was an Agreed Order approved by the Commission on September 20, 2006. He is not in arrears.</p> <p><b>PWS:</b></p> <p>Failed to collect and submit repeat samples following a coliform-positive result, failed to collect the required number of additional samples following a month in which a coliform-positive sample was obtained and failed to post public notice related to the failure to sample [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii), and (c)(2)(F) and 290.122(c)(2)(A), and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p>	<p><b>Total Assessed:</b> \$1,340</p> <p><b>Total Paid / Due to General Revenue:</b> \$240/\$1,100</p> <p>The Respondent has paid \$240 of the administrative penalty. The remaining amount of \$1,100 shall be payable in 11 monthly payments of \$100 each.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor <input checked="" type="checkbox"/> N/A</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor <input checked="" type="checkbox"/> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b></p> <p>The Respondent was issued six NOVs with the same violations over the prior five year period.</p>	<p><b>Corrective Action Taken:</b></p> <p>The Executive Director recognizes that the Respondent transferred ownership of the Facility to Mr. Daniel Dake on August 23, 2005.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	02-Jan-2006	Screening	04-Jan-2006	EPA Due	
	PCW	05-Jan-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Chong Bai Xia dba Twin Lakes Water Co. PWS
Reg. Ent. Ref. No.	RN101453512
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	27846	No. of Violations	1
Docket No.	2006-0022-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Jorge Ibarra, P.E.
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** Subtotals 2, 3, & 7

Notes

**Culpability**  Subtotal 4

Notes

**Good Faith Effort to Comply** Subtotal 5

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

Notes

**Economic Benefit** Subtotal 6

Total EB Amounts	\$368	0% Enhancement*
Approx. Cost of Compliance	\$350	*Capped at the Total EB \$ Amount

**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** Adjustment

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

Notes

**PAYABLE PENALTY**

**Screening Date** 04-Jan-2006 **Docket No.** 2006-0022-PWS-E **PCW**  
**Respondent** Chong Bai Xia dba Twin Lakes Water Co. PWS *Policy Revision 2 (September 2002)*  
**Case ID No.** 27846 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101453512  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Jorge Ibarra, P.E.

**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 <i>(number of NOVs meeting criteria)</i>	6	30%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were disclosed)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** **34%**

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

N/A

**Adjustment Percentage (Subtotal 3)** **0%**

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

N/A

**Adjustment Percentage (Subtotal 7)** **0%**

>> **Compliance History Summary**

**Compliance History Notes**

The respondent was issued six NOVs with same or similar type of violations and two NOVs without same or similar type of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** **34%**

**Screening Date** 04-Jan-2006 **Docket No.** 2006-0022-PWS-E **PCW**  
**Respondent** Chong Bai Xia dba Twin Lakes Water Co. PWS *Policy Revision 2 (September 2002)*  
**Case ID No.** 27846 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101453512  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

**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** Chong Bai Xia dba Twin Lakes Water Co. PWS  
**Case ID No.** 27846  
**Reg. Ent. Reference No.** RN101453512  
**Media [Statute]** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						5.0	15
						Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				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]	\$350	01-Apr-2005	31-Jul-2005	1.0	\$18	\$350	\$368
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs  
 Estimated cost of collecting the required samples. Date Required is the first month samples were not collected, Final Date is the last month samples were not collected.

Approx. Cost of Compliance **\$350**

**TOTAL \$368**

# Compliance History

Customer/Respondent/Owner-Operator: CN600754956 XIA, CHONG BAI Classification: Rating:  
 Regulated Entity: RN101453512 TWIN LAKES WATER CO PWS Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2200190  
 WATER LICENSING LICENSE 2200190  
 Location: 6495 APPIAN WAY, FORT WORTH, TX, 76135  
 TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: March 09, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: January 01, 2001 to January 03, 2006

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

## 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? Yes
3. If Yes, who is the current owner? Daniel Dake
4. If Yes, who was/were the prior owner(s)? Xia, Chong Bai
5. When did the change(s) in ownership occur? 8/23/2005

### 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	07/29/2004	(374428)
2	08/27/2004	(374435)
3	03/08/2005	(348454)
4	04/07/2005	(375271)
5	05/31/2005	(439262)
6	06/27/2005	(439768)
7	07/27/2005	(439774)
8	08/25/2005	(439779)
9	12/19/2005	(439926)

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

Date: 10/09/2003 (249140)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)

Description: Two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection. (§290.45(b)(1)(B)(iii))

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D.290.41(c)(3)(B)

Description: Failure to provide a well casing 18 inches above the elevation of the finished floor of the pump house or natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to obtain and keep on file, accurate information pertaining to wells #1 #3 and #4. To include a log of the ground formations encountered, casing records, material

settings, water levels, etc. §290.41(c)(3)(A)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to provide well #1 with a screened casing vent, which must face downward and be elevated so as to minimize the drawing of contaminants into the well. The screening must be 16-mesh or finer corrosion-resistant screen. §290.41(c)(3)(K)

Date: 05/26/2004 (348454)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect and submit monthly routine water samples and failed to post public notice related to the failure to sample.

Date: 07/01/2004 (374428)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
5A THC Chapter 341, SubChapter A 341.031(a)

Description: Exceeded a maximum contaminant level (MCL) in June 2004 and failed to post notice for exceeding a MCL.

Date: 07/29/2004 (374428)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failed to collect and submit repeat samples following a coliform positive result and the required number of additional samples following a month in which a coliform-positive sample was obtained and failed to post public notice related to the failure to sample.

Date: 05/31/2005 (439262)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any repeat samples in 04/2005 following a coliform found result.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to collect any repeat samples in 04/2005 following a coliform found result.

Date: 06/27/2005 (439768)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failure to collect all of the 5 distribution samples in 05/2005 following a coliform found month.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting all of the 5 distribution samples in 05/2005 following a coliform found month.

Date: 07/27/2005 (439774)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to collect any repeat samples in 06/2005 following a coliform found result.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any repeat samples in 06/2005 following a coliform found result.

Date: 08/25/2005 (439779)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failure to collect all of the 5 distribution samples in 07/2005 following a coliform found month.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting all of the 5 distribution samples in 07/2005 following a coliform found month.

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  
CHONG BAI XIA DBA TWIN  
LAKES WATER CO.; RN101453512

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2006-0022-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chong Bai Xia dba Twin Lakes Water Co. ("Mr. Xia") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 (the "Code") and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Xia, presented this agreement to the Commission.

Mr. Xia understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Xia agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Xia.

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

**FINDINGS OF FACT**

1. Mr. Xia owned and operated a public water system located in 6495 Appian Way, Fort Worth, Tarrant County, Texas (the "Facility")
2. The Facility has approximately 23 service connections and serves at least 25 people per day for at least 60 days per year.
3. During a record review conducted on August 1, 2005, a TCEQ Central Office Water Supply Division staff member documented that Mr. Xia failed to collect and submit repeat samples

following a coliform-positive result, failed to collect the required number of additional samples following a month in which a coliform-positive sample was obtained and failed to post public notice related to the failure to sample. Specifically, the required sampling was not performed in April, May, June and July 2005.

4. Mr. Xia received notice of the violations on or about December 12, 2005.
5. The Executive Director recognizes that Mr. Xia transferred ownership of the Facility to Mr. Daniel Dake on August 23, 2005.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Xia is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Xia failed to collect and submit repeat samples following a coliform-positive result, failed to collect the required number of additional samples following a month in which a coliform-positive sample was obtained and failed to post public notice related to the failure to sample in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii), (c)(2)(F), and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Xia for violations of TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under TEX. HEALTH & SAFETY CODE.
4. An administrative penalty in the amount of one thousand three hundred forty dollars (\$1,340.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Xia has paid two hundred forty dollars (\$240.00) of the administrative penalty. The remaining amount of one thousand hundred dollars (\$1,100.00) of the administrative penalty shall be payable in eleven monthly payments of one hundred dollars (\$100.00) each. The first 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.

### ORDERING PROVISIONS

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

1. Mr. Xia is assessed an administrative penalty in the amount of one thousand three hundred forty dollars (\$1,340.00) as set forth in Conclusion of Law No. 4 for violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The payment of this administrative penalty and Mr. Xia's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: Chong Bai Xia dba Twin Lakes Water Co.; Docket No. 2006-0022-PWS-E; Enforcement ID No. 27846" to:

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

2. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Xia if the Executive Director determines that Mr. Xia has not complied with one or more of the terms or conditions in this Agreed Order.
3. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
4. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Xia 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
5. 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.
6. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date

Chong Bai Xia dba Twin Lakes Water Co.  
TCEQ DOCKET NO. 2006-0022-PWS-E  
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is the date of hand-delivery of the Order to Mr. Xia , or three days after the date on which the Commission mails notice of the Order to Mr. Xia, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Robert Penland*

For the Executive Director

*3/2/07*

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chong Bai Xia dba Twin Lakes Water Co. I represent that I am authorized to agree to the attached Agreed Order on behalf of Chong Bai Xia dba Twin Lakes Water Co., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chong Bai Xia dba Twin Lakes Water Co. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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 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.

*Chong Xia*

Signature

*CHONGBAI XIA*

Name (printed or typed)

Authorized Representative

Chong Bai Xia dba Twin Lakes Water Co.

*12-28-06*

Date

*Individual*

Title