

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0741-PWS-E **TCEQ ID:** RN101205276 **CASE NO.:** 35811

RESPONDENT NAME: Kenedy Manor Nursing Homes, Inc.

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 checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Kenedy Manor, 1.5 miles south of Kenedy on Highway 181, Karnes County</p> <p>TYPE OF OPERATION: Public water supply</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 October 20, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jeffrey Hansen, Registered Agent, Kenedy Manor Nursing Homes, Inc., 3825 West Green Oaks Blvd., Ste. 250, Arlington, Texas 76016 Mr. Sam Jerrell, President, Kenedy Manor Nursing Homes, Inc., P.O. Box 519, Sulphur, Oklahoma 73086 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(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review and Investigation Relating to this Case: March 20, 2008 and September 28, 2007</p> <p>Date of NOE Relating to this Case: October 19, 2007 (NOE)</p> <p>Background Facts: This was a record review and investigation.</p> <p>WATER</p> <p>1) Failure to provide the water system's operating records for Commission review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III)].</p> <p>2) Failure to provide ground storage capacity equal to 50% of the maximum daily demand [30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide at least two service pumps with a total capacity of three times the maximum daily demand [30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p>	<p>Total Assessed: \$844</p> <p>Total Deferred: \$168 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$676</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input 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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, begin maintaining water system records, including but not limited to a record of the amount of water treated each week, and make these records available to Commission personnel at the time of investigations;</p> <p>b) Within 30 days after the effective date of this Agreed Order, develop and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements;</p> <p>c) Within 45 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 Provisions a. and b.;</p> <p>d) Within 120 days after the effective date of this Agreed Order:</p> <p>i. Provide a total service pump capacity equal to three times the maximum daily demand; and</p> <p>ii. Provide a total ground storage capacity equal to 50% of the maximum daily demand.</p> <p>e) Within 135 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 No. d.</p>

Additional ID No.: PWS ID No. 1280012



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ	
DATES	Assigned 14-Apr-2008
	PCW 6-May-2008
	Screening 24-Apr-2008
	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Kenedy Manor Nursing Homes, Inc.
Reg. Ent. Ref. No.	RN101205276
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35811	No. of Violations	4
Docket No.	2008-0741-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Amanda Henry
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$710
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19.0% Enhancement	Subtotals 2, 3, & 7	\$134
Notes	Enhancement due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action and seven NOV's with dissimilar violations.		

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.			

Good Faith Effort to Comply	0.0% 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.		

	0.0% Enhancement	Subtotal 6	\$0
Total EB Amounts	\$3,832	<i>*Capped at the Total EB \$ Amount</i>	
Approx. Cost of Compliance	\$40,350		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$844
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

	0.0%	Adjustment	\$0
Notes			
		Final Penalty Amount	\$844

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$844
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DEFERRAL

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

	20.0%	Reduction	Adjustment	-\$168
Notes	Deferral offered for expedited settlement.			

PAYABLE PENALTY	\$676
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Screening Date 24-Apr-2008	Docket No. 2008-0741-PWS-E	PCW
Respondent Kenedy Manor Nursing Homes, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35811	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101205276		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		

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>)	1	5%
	Other written NOVs	7	14%
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 submitted</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) 19%

>> 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

Enhancement due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action and seven NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 19%

Screening Date 24-Apr-2008	Docket No. 2008-0741-PWS-E	PCW		
Respondent Kenedy Manor Nursing Homes, Inc.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35811	<i>PCW Revision April 29, 2008</i>			
Reg. Ent. Reference No. RN101205276				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III)"/>			
Violation Description	<input type="text" value="Failed to provide the water system's operating records for Commission review during inspections. Specifically, at the time of the investigation, it was documented that the system does not maintain records of the quantity of water treated each week."/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>
			Percent <input type="text" value="1%"/>	
Matrix Notes	<input type="text" value="Less than 30% of the rule requirement was not met."/>			
Adjustment			<input type="text" value="\$990"/>	
			<input type="text" value="\$10"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="35"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
			Violation Base Penalty <input type="text" value="\$10"/>	
<input type="text" value="One single event is recommended."/>				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$6"/>		Violation Final Penalty Total <input type="text" value="\$12"/>		
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$12"/>	

Economic Benefit Worksheet

Respondent: Kenedy Manor Nursing Homes, Inc.
Case ID No.: 35811
Reg. Ent. Reference No.: RN101205276
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or \$)	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System	\$100	28-Sep-2007	30-Nov-2008	1.18	\$6	N/A	\$6
Training/Sampling				0.00	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)				0.00	\$0	N/A	\$0

Notes for DELAYED costs: The delayed costs include the amount to provide and begin maintaining a record keeping system, including but not limited to recording the amount of water treated each week. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$6
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Screening Date 24-Apr-2008	Docket No. 2008-0741-PWS-E	PCW
Respondent Kenedy Manor Nursing Homes, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35811	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101205276		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.45(d)(2)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to provide ground storage capacity equal to 50% of the maximum daily demand. Specifically, serving a population of 100 people, the maximum daily demand for the system is 24,000 gallons per day ("gpd"). Thus, the minimum ground storage tank capacity that the system should be providing is 12,000 gpd. At the time of the investigation, the system provided a total ground storage capacity of 6,000 gallons, indicating a 50% deficiency.	
Base Penalty		<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="text"/>
Percent		<input type="text" value="25%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>
Matrix Notes	Failure to meet minimum water capacity requirements could result in service outages and potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.	
Adjustment		<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
Violation Events		
Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="208"/> Number of violation days
<i>mark only one with an 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		<input type="text" value="\$500"/>
Two monthly events are recommended, calculated from the record review date, March 20, 2008, to the screening date, April 24, 2008.		
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$2,488"/>	Violation Final Penalty Total <input type="text" value="\$594"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$594"/>

Economic Benefit Worksheet

Respondent: Kenedy Manor Nursing Homes, Inc.
Case ID No.: 35811
Reg. Ent. Reference No.: RN101205276
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$25,000	28-Sep-2007	28-Feb-2009	1.42	\$118	\$2,370	\$2,488
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the amounts necessary to provide a total ground storage capacity equal to 50% of the maximum daily demand. The date required is the initial investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25,000	TOTAL	\$2,488
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Screening Date 24-Apr-2008	Docket No. 2008-0741-PWS-E	PCW	<small>Policy Revision 2 (September 2002) PCW Revision April 29, 2008</small>	
Respondent Kenedy Manor Nursing Homes, Inc.				
Case ID No. 35811				
Reg. Ent. Reference No. RN101205276				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(d)(2)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide at least two service pumps with a total capacity of three times the maximum daily demand. Specifically, at the time of the investigation, it was documented that the system is required to provide a minimum total service capacity of 49.8 gallons per minute ("gpm"), which has one service pump with a total service pump of 40 gallons per minute ("gpm"). With 100 people being served by the system, the maximum daily demand is 16.6 gpm for service pump capacity. Thus, the system is required to provide three times the maximum daily demand. However, the system only provided 40.0 gpm, which is a 20% deficiency.			
Base Penalty			\$1,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to meet minimum water capacity requirements could result in service outages and potentially expose the public to significant amounts of pollutants which would not exceed levels that are protective of human health.			
Adjustment			\$900	
			\$100	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="35"/>		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$100"/>	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended, calculated from the record review date, March 20, 2008, to the screening date, April 24, 2008.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$1,323"/>		Violation Final Penalty Total <input type="text" value="\$119"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$119"/>		

Economic Benefit Worksheet

Respondent: Kenedy Manor Nursing Homes, Inc.
Case ID No.: 35811
Reg. Ent. Reference No.: RN101205276
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment	\$15,000	28-Sep-2007	31-Dec-2008	1.26	\$63	\$1,260	\$1,323
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amounts necessary to provide a total service pump capacity equal to three times the maximum daily demand of 16.6 gpm. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [4] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$15,000	TOTAL	\$1,323
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Screening Date 24-Apr-2008	Docket No. 2008-0741-PWS-E	PCW
Respondent Kenedy Manor Nursing Homes, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35811	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101205276		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		
Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b)	
Violation Description	Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, at the time of the investigation, it was documented that the facility does not have a chemical and microbiological monitoring plan.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="35"/>	Number of violation days												
<i>mark only one with an x</i> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$100"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="checkbox"/>													

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$15"/>	Violation Final Penalty Total <input type="text" value="\$119"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$119"/>	

Economic Benefit Worksheet

Respondent: Kenedy Manor Nursing Homes, Inc.

Case ID No.: 35811

Reg. Ent. Reference No.: RN101205276

Media: Public Water Supply

Violation No.: 4

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	28-Sep-2007	30-Nov-2008	1.18	\$15	n/a	\$15
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to develop and implement a chemical and microbiological monitoring plan. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$15

Compliance History

Customer/Respondent/Owner-Operator:	CN603280777	KENEDY MANOR NURSING HOMES INC	Classification:	Rating:
Regulated Entity:	RN101205276	KENEDY MANOR	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		1280012 1280012
Location:	1.5 MILES S OF KENEDY ON HWY 181			
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	May 23, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 23, 2003 to April 23, 2008			

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

Name: Amanda Henry Phone: 713-767-3672

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? | <u>N/A</u> |
| 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.)

N/A	1	10/29/2004	(432780)
	2	12/01/2004	(433475)
	3	01/28/2005	(433523)
	4	10/31/2005	(433779)
	5	02/23/2006	(467678)
	6	06/08/2006	(481522)
	7	10/26/2006	(516757)
	8	07/15/2007	(645264)
	9	08/02/2007	(645502)
	10	09/01/2007	(645762)
	11	10/01/2007	(645902)
	12	10/22/2007	(597469)

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

Date: 10/29/2004 (432780)

Self Report? NO

Classification: Moderate

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

Description: EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 10/2004.

Date: 12/01/2004 (433475)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
 5A THC Chapter 341, SubChapter A 341.031(a)
 Description: EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 11/2004.

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 11/2004 FOLLOWING A COLIFORM FOUND RESULT.

Date 01/28/2005 (433523)
 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 12/2004 FOLLOWING A COLIFORM FOUND MONTH.

Date 10/31/2005 (433779)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples for bacteriological analysis in 09/2005.

Date 02/23/2006 (467678)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to collect any routine monitoring samples for bacteriological analysis in 01/2006.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: Failure to post a PN for not collecting any routine monitoring samples in 01/2006.

Date 10/26/2006 (516757)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 Description: Failure to provide the ground storage tank with the means to lock/secure the roof hatch.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain a minimum free chlorine residual of at least 0.2 mg/L.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
 Description: Failure to operate the water system under the direct supervision of a licensed water operator.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 Description: Failure to maintain records of system operations.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(4)(C)(ii)
 Description: Failure to possess a DPD test kit to determine the system's free chlorine residual.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)
 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(iv)
 Description: Failure to provide the water system with adequate ground storage tank and and service pump capacities.

Date 07/15/2007 (645264)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
 Description: BACT - MONITORING/REPORTING VIOLATIONS

Date 08/02/2007 (645502)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)
 Description: BACT - NONACUTE MCL (5% OR >1)

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

g:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KENEDY MANOR NURSING HOMES,
INC.
RN101205276**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-0741-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 Kenedy Manor Nursing Homes, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply located 1.5 miles south of Kenedy on Highway 181, Karnes County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 24, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Hundred Forty-Four Dollars (\$844) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Seventy-Six Dollars (\$676) of the administrative penalty and One Hundred Sixty-Eight Dollars (\$168) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent has 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 the Respondent 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, the Respondent is alleged to have:

1. Failed to provide the water system's operating records for Commission review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(A)(ii)(III), as documented during a record review conducted on March 20, 2008.
2. Failed to provide ground storage capacity equal to 50% of the maximum daily demand, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on March 20, 2008.
3. Failed to provide at least two service pumps with a total capacity of three times the maximum daily demand, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on March 20, 2008.
4. Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during a record review conducted on March 20, 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: Kenedy Manor Nursing Homes, Inc., Docket No. 2008-0741-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 the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining water system records, including but not limited to a record of the amount of water treated each week, and make these records available to Commission personnel at the time of investigations, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order, develop and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a and 2.b.
 - d. Within 120 days after the effective date of this Agreed Order:
 - i. Provide a total service pump capacity equal to three times the maximum daily demand, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a total ground storage capacity equal to 50% of the maximum daily demand, in accordance with 30 TEX. ADMIN. CODE § 290.45.

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

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the importance of data quality and the various factors that can affect data quality, such as data entry errors, missing data, and data inconsistency. It offers practical tips for ensuring high-quality data.

8. The eighth part of the document explores the role of data analysis in identifying trends and patterns in the data. It discusses various data analysis techniques, such as descriptive statistics, inferential statistics, and data visualization.

9. The ninth part of the document focuses on the importance of data security and privacy. It discusses the various risks associated with data breaches and provides strategies to protect sensitive data from unauthorized access and disclosure.

10. The tenth part of the document concludes by emphasizing the value of data in driving organizational success. It encourages the organization to continue to invest in data management and analysis to gain a competitive edge in the market.

11. The eleventh part of the document provides a detailed overview of the data analysis process, including the selection of data analysis tools, the design of data analysis procedures, and the implementation of data analysis procedures.

12. The twelfth part of the document discusses the importance of data visualization in presenting data in a clear and concise manner. It explores various data visualization techniques, such as bar charts, line graphs, and pie charts.

13. The thirteenth part of the document focuses on the importance of data interpretation and the various factors that can affect data interpretation, such as data bias and data distortion. It offers practical tips for ensuring accurate data interpretation.

14. The fourteenth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management and analysis practices remain effective and aligned with the organization's goals.

15. The fifteenth part of the document provides a detailed overview of the data management process, including the identification of data management needs, the design of data management systems, and the implementation of data management systems.

16. The sixteenth part of the document discusses the importance of data governance and the various factors that can affect data governance, such as data ownership and data access. It offers practical tips for ensuring effective data governance.

17. The seventeenth part of the document concludes by emphasizing the value of data in driving organizational success. It encourages the organization to continue to invest in data management and analysis to gain a competitive edge in the market.

- e. Within 135 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.d. 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:

Water Section, Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Kenedy Manor Nursing Homes, Inc.
DOCKET NO. 2008-0741-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller

For the Executive Director

Date

10/30/2008

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Sam Jewell

Name (Printed or typed)
Authorized Representative of
Kenedy Manor Nursing Homes, Inc.

Date

10-15-08

Title

President

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.

