

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0159-PWS-E **TCEQ ID:** RN101380269 **CASE NO.:** 37105  
**RESPONDENT NAME:** Joe Thurman Lodge & Livery, Inc.

<b>ORDER TYPE:</b>		
<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	
<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 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Joe Thurman Lodge &amp; Livery, 1230 U.S. Highway 84 West, Goldthwaite, Mills County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</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 July 20, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Ms. Patricia Cheng Lynch, President, Joe Thurman Lodge &amp; Livery, Inc., P.O. Box 1023, Goldthwaite, Texas 76844  <b>Respondent's Attorney:</b> Mr. Lynden W. Lynch, Jr., P.O. Box 1023, Goldthwaite, Texas 76844</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> November 19, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 16, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(i) and 290.46(n)(3)].</p> <p>2) Failed to compile and maintain a complete and up-to-date operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>3) Failure to provide a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p> <p>4) Failure to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>5) Failure to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>6) Failed to provide two or more service pumps with a total capacity of 1.0 gallons per minute per unit [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$2,376</p> <p><b>Total Deferred:</b> \$475  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,901</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of November 24, 2008, inspected the Facility's ground storage tank.</p> <p>b. As of November 26, 2008, began keeping on hand a supply of calcium hypochlorite disinfectant, which meets ANSI/NSF Standard 60.</p> <p>c. As of January 10, 2009:</p> <p>i. Provided a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tank; and</p> <p>ii. Repaired the gate securing the ground storage tank to make it lockable.</p> <p>d. As of February 7, 2009:</p> <p>i. Installed a second service pump with a minimum capacity of 1.0 gallon per minute per unit; and</p> <p>ii. Installed a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch on the overflow on the ground storage tank.</p> <p>e. As of February 15, 2009:</p> <p>i. Compiled and began maintaining a complete and up-to-date operations manual for operator review and reference;</p> <p>ii. Installed a lockable hasp on the roof access opening on the ground storage tank; and</p> <p>iii. Developed and began maintaining an accurate and up-to-date map of the distribution system.</p> <p>f. As of March 27, 2009, provided well plugging data for Well No. 2.</p> <p>g. As of April 22, 2009, provided certification that the Facility was sold on</p>

<p>7) Failure to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>8) Failure to ensure all potable water storage tanks and pressure maintenance facilities are installed in lockable buildings that are designed to prevent intruder access or enclosed by a properly constructed intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>9) Failure to conduct an annual inspection of the Facility's ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>10) Failure to conduct an annual inspection of the Facility's three pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>11) Failure to keep a supply of calcium hypochlorite disinfectant on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service [30 TEX. ADMIN. CODE § 290.46(h)].</p>		March 3, 2009.
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Additional ID No(s): PWS ID No. 1670005





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	20-Jan-2009			
	PCW	28-Jan-2009	Screening	28-Jan-2009	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Joe Thurman Lodge & Livery, Inc.
Reg. Ent. Ref. No.	RN101380289
Facility/Site Region	9-Waco
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37105	No. of Violations	11
Docket No.	2009-0159-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		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* **\$2,160**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 5.0% Enhancement *Subtotals 2, 3, & 7* **\$108**

Notes: Enhancement is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

**Culpability** No 0.0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$272**

**Economic Benefit** 0.0% Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts \$380  
Approx. Cost of Compliance \$2,785  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$1,996**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 17.2% *Adjustment* **\$343**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs associated with violation numbers 1, 9 and 10.

*Final Penalty Amount* **\$2,339**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$2,376**

**DEFERRAL** 20.0% Reduction *Adjustment* **-\$475**

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** **\$1,901**

**Screening Date** 28-Jan-2009 **Docket No.** 2009-0159-PWS-E  
**Respondent** Joe Thurman Lodge & Livery, Inc.  
**Case ID No.** 37105  
**Reg. Ent. Reference No.** RN101380269  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Andrea Linson-Mgbeoduru

**PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**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)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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)** 5%

>> **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 is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b>	28-Jan-2009	<b>Docket No.</b>	2009-0159-PWS-E	<b>PCW</b>
<b>Respondent</b>	Joe Thurman Lodge & Livery, Inc.			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	37105			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101380269			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Andrea Linson-Mgbeoduru			
<b>Violation Number</b>	1			

**Rule Cite(s)**  
30 Tex. Admin. Code § 290.46(f)(3)(E)(i) and 290.46(n)(3)

**Violation Description**  
Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the following documents were not available: completed monthly operating reports ("MORs"), and well plugging data for Well No. 2

**Base Penalty** \$1,000

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

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			0%

**>> Programmatic Matrix**

Falsification				Percent
Major	Moderate	Minor		
		X	1%	

**Matrix Notes**  
Less than 20% of the rule requirement was not met.

**Adjustment** \$990

**\$10**

**Violation Events**

Number of Violation Events: 1      70      Number of violation days

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

**Violation Base Penalty** \$10

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$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 for this violation.

**Violation Subtotal** \$10

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount \$27      Violation Final Penalty Total \$12

**This violation Final Assessed Penalty (adjusted for limits)** \$50

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$10	19-Nov-2008	27-Mar-2009	0.35	\$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 amount necessary to develop, maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, which includes but not limited to: well plugging data for Well No. 2. The date required is the investigation date. The final date is the 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)	\$25	19-Nov-2008	3-Mar-2009	1.20	\$2	\$25	\$27

Notes for AVOIDED costs

The avoided costs include the amount necessary to develop, maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, which includes but not limited to: completed MORs. The date required is the investigation date. The final date is the date the Respondent sold the Facility.

Approx. Cost of Compliance

\$35

**TOTAL**

\$27

<b>Screening Date:</b> 28-Jan-2009	<b>Docket No.:</b> 2009-0159-PWS-E	<b>PCW</b>		
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.:</b> 37105	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.:</b> RN101380269				
<b>Media [Statute]:</b> Public Water Supply				
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru				
<b>Violation Number:</b> 2				
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 290.42(f)			
<b>Violation Description:</b>	Failed to compile and maintain a complete and up-to-date operations manual for operator review and reference.			
<b>Base Penalty</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 0%
<b>&gt;&gt; Programmatic Matrix</b>				
			Falsification	Major
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Moderate	Minor
			<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
<b>Adjustment:</b>				\$900
				\$100
<b>Violation Events</b>				
<b>Number of Violation Events:</b>		1	<b>Number of violation days:</b>	
		70		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input checked="" type="checkbox"/>			
				<b>Violation Base Penalty</b> \$100
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>			10.0% Reduction	\$10
			Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent submitted compliance documentation in a letter dated February 15, 2009.			
<b>Violation Subtotal</b>				\$90
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		\$3	<b>Violation Final Penalty Total</b> \$111	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$111	

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 2

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

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

### Delayed Costs

Equipment				0.00	\$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				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)	\$250	19-Nov-2008	15-Feb-2009	0.24	\$3	n/a	\$3

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a facility operations manual. The date required is the investigation date. The final date is the compliance date.

### 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

\$250

**TOTAL**

\$3

<b>Screening Date:</b> 28-Jan-2009	<b>Docket No.:</b> 2009-0159-PWS-E	<b>PCW</b>		
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.:</b> 37105		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.:</b> RN101380269				
<b>Media [Statute]:</b> Public Water Supply				
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru				
<b>Violation Number:</b>	3			
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §290.43(c)(1)			
<b>Violation Description:</b>	Failed to provide a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank. Specifically, at the time of the investigation, it was documented that the roof vent on the ground storage tank did not have a screen.			
<b>Base Penalty:</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to provide a screen for the roof vent on the elevated ground storage tank may allow dust, insects, and other pollutants to enter the well exposing consumers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.			
<b>Adjustment:</b>				\$750
				\$260
<b>Violation Events</b>				
<b>Number of Violation Events:</b> <input type="text" value="2"/>		<b>Number of violation days:</b> <input type="text" value="52"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$500"/>
Two monthly events are recommended, calculated from the investigation date, November 19, 2008, to the compliance date, January 10, 2009.				
<b>Good Faith Efforts to Comply</b>			<b>25.0% Reduction</b>	<b>\$125</b>
	Before NOV		NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>	(mark with x)		
<b>Notes:</b>	The Respondent achieved compliance by January 10, 2009.			
<b>Violation Subtotal:</b>				<b>\$375</b>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount:</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total:</b> <input type="text" value="\$469"/>		
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				<b>\$469</b>

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**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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No commas or \$

**Delayed Costs**

Equipment	\$50	19-Nov-2008	10-Jan-2009	0.14	\$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				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 amount to provide a 16-mesh or finer corrosion resistant screen on the roof vent of the ground storage tank. The date required is the investigation date. The final date is the 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

\$50

**TOTAL**

\$0

<b>Screening Date</b> 28-Jan-2009	<b>Docket No.</b> 2009-0159-PWS-E	<b>PCW</b>			
<b>Respondent</b> Joe Thurman Lodge & Livery, Inc.		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37105		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101380269					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru					
<b>Violation Number</b>	4				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(2)				
<b>Violation Description</b>	Failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities. Specifically, at the time of the investigation, it was documented that the roof access opening on the ground storage tank did not have a lockable cover.				
<b>Base Penalty</b>		\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm			<b>Percent</b>	5%
	<b>Release</b>	Major	Moderate		
	Actual				
	Potential			X	
<b>&gt;&gt; Programmatic Matrix</b>					
Matrix Notes	Falsification			<b>Percent</b>	0%
	Major	Moderate	Minor		
	Failure to provide a lockable cover on the ground storage tank roof access opening could allow unauthorized access to the ground storage tank's contents and could result in customers of the water system being exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.				
<b>Adjustment</b>					\$950
					\$50
<b>Violation Events</b>					
<b>Number of Violation Events</b>		1		<b>Number of violation days</b>	
		70			
<i>mark only one with an x</i>	daily			<b>Violation Base Penalty</b>	
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
single event		X		\$50	
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>			<b>10.0% Reduction</b>		<b>\$5</b>
			Before NOV    NOV to EDPRP/Settlement Offer		
Extraordinary			<b>Violation Subtotal</b>		
Ordinary		X			
N/A		(mark with x)			
Notes	The Respondent submitted compliance documentation in a letter dated February 15, 2009.				
					\$45
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$3		<b>Violation Final Penalty Total</b>	
				\$56	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<b>\$56</b>

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$150	19-Nov-2008	15-Feb-2009	0.24	\$0	\$2	\$3
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 amount to provide a lockable cover for the roof access opening on the ground storage tank. The date required is the investigation date. The final date is the 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

\$150

**TOTAL**

\$3

<b>Screening Date:</b> 28-Jan-2009	<b>Docket No.:</b> 2009-0159-PWS-E	<b>PCW</b>				
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37105		<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN101380269						
<b>Media [Statute]:</b> Public Water Supply						
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru						
<b>Violation Number:</b>	<input type="text" value="5"/>					
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 290.43(c)(3)					
<b>Violation Description:</b>	Failed to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, at the time of the investigation, it was documented that the ground storage tank overflow did not have a hinged flap.					
<b>Base Penalty:</b>		<input type="text" value="\$1,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Release</b>	<b>Harm</b>				
		Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	
	Potential	<input type="text"/>	X	<input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>						
	<b>Falsification</b>	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes:</b>	Failure to provide a hinged flap for the overflow may expose the stored water to significant amounts of pollutants which would not exceed levels that are protective of human health.					
<b>Adjustment:</b>		<input type="text" value="\$900"/>				
		<input type="text" value="\$100"/>				
<b>Violation Events</b>						
<b>Number of Violation Events:</b>		<input type="text" value="1"/>		<b>Number of violation days:</b> <input type="text" value="70"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
	weekly	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>	X			
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
One quarterly event is recommended, calculated from the investigation date, November 19, 2008, to the screening date, January 28, 2009.						
<b>Good Faith Efforts to Comply</b>						
		<b>10.0% Reduction</b>		<input type="text" value="\$10"/>		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>				
Ordinary	<input type="text"/>	X				
N/A	<input type="text"/>	(mark with x)				
<b>Notes:</b>	The Respondent achieved compliance on February 7, 2009.					
<b>Violation Subtotal:</b>		<input type="text" value="\$90"/>				
<b>Economic Benefit (EB) for this violation</b>						
<b>Estimated EB Amount:</b>			<b>Statutory Limit Test</b>			
<input type="text" value="\$1"/>		<input type="text" value="\$111"/>				
<b>Violation Final Assessed Penalty (adjusted for limits):</b>		<input type="text" value="\$111"/>				

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37106

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 6

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

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

**Delayed Costs**

Equipment	\$75	19-Nov-2008	7-Feb-2009	0.22	\$0	\$1	\$1
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 cost includes the amount necessary to provide a tightly fitted, gravity-hinged and weighted overflow cover with no more than a 1/16 inch gap on the ground storage tank. The date required is the investigation date. The final date is the 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

\$75

**TOTAL**

\$1

<b>Screening Date:</b> 28-Jan-2009	<b>Docket No.:</b> 2009-0159-PWS-E	<b>PCW</b>			
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.:</b> 37105		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.:</b> RN101380269					
<b>Media [Statute]:</b> Public Water Supply					
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru					
<b>Violation Number</b>	6				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(c)(1)(B)(iii) and Tex. Health & Safety Code § 341.0315(c)				
<b>Violation Description</b>	Failed to provide two or more service pumps with a total capacity of 1.0 gpm per unit. Specifically, at the time of the investigation, it was documented that the Facility provided adequate service pump capacity with one service pump, however, the Facility is required to have two service pumps.				
<b>Base Penalty</b>		\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				<b>Percent</b> <input type="text" value="5%"/>
	Potential		X		
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to provide two service pumps with the capacity of 1.0 gpm per accommodation unit could expose customers to an insignificant amount of contaminants which would not exceed levels that are protective of human health.				
<b>Adjustment</b>		\$950			
					\$50
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>		<b>Number of violation days</b>	
		<input type="text" value="70"/>			
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
single event	X				
One single event is recommended.					<b>Violation Base Penalty</b>
					\$50
<b>Good Faith Efforts to Comply</b>			10.0% Reduction		\$5
	Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer		
	Ordinary		X		
	N/A	(mark with x)			
<b>Notes</b>	The Respondent achieved compliance on February 7, 2009.				
<b>Violation Subtotal</b>					\$45
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$6"/>		<b>Violation Final Penalty Total</b>	
				\$56	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$56

### Economic Benefit Worksheet

**Respondent** Joe Thurman Lodge & Livery, Inc.

**Case ID No.** 37105

**Reg. Ent. Reference No.** RN101380269

**Media** Public Water Supply

**Violation No.** 6

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$.</small>							

**Delayed Costs**

Equipment	\$375	19-Nov-2008	7-Feb-2009	0.22	\$0	\$5	\$6
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 cost includes the amount necessary to install a second service pump with a minimum capacity of 1.0 gpm per accommodation unit. The date required is the investigation date. The final date is the 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**

<b>Approx. Cost of Compliance</b>	\$375	<b>TOTAL</b>	\$6
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<b>Screening Date</b> 28-Jan-2009	<b>Docket No.</b> 2009-0159-PWS-E	<b>PCW</b>			
<b>Respondent</b> Joe Thurman Lodge & Livery, Inc.	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 37105	<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN101380269					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru					
<b>Violation Number</b> <input type="text" value="7"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(2)				
<b>Violation Description</b>	Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, at the time of the investigation, it was documented that the flush valves and gate valves were not specified on the map of the distribution system.				
<b>Base Penalty</b>	<input type="text" value="\$1,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>			<b>Percent</b> <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="5%"/>
	<input type="text"/>	<input type="text"/>	X	<input type="text"/>	
<b>Matrix Notes</b>	50% of the rule requirement was not met.				
			<b>Adjustment</b>	<input type="text" value="\$950"/>	
			<input type="text" value="\$50"/>		
<b>Violation Events</b>					
	<input type="text" value="1"/>	<input type="text" value="70"/>	Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$50"/>		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	X				
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>			10.0% Reduction	<input type="text" value="\$5"/>	
	Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	X			
N/A	(mark with x)				
<b>Notes</b>	The Respondent submitted compliance documentation in a letter dated February 15, 2009.				
			<b>Violation Subtotal</b>	<input type="text" value="\$46"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$3"/>		<b>Violation Final Penalty Total</b>	<input type="text" value="\$56"/>	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$56"/>	

### Economic Benefit Worksheet

**Respondent** Joe Thurman Lodge & Livery, Inc.

**Case ID No.** 37105

**Reg. Ent. Reference No.** RN101380269

**Media** Public Water Supply

**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	19-Nov-2008	15-Feb-2009	0.24	\$0	\$3	\$3
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 cost includes the amount to develop and maintain an accurate and up-to-date map of the distribution system that shows the locations of the flush and gate valves. The date required is the investigation date. The final date is the 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

\$200

**TOTAL**

\$3

<b>Screening Date:</b> 28-Jan-2009		<b>Docket No.:</b> 2009-0159-PWS-E		<b>PCW</b>
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.			<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 37105			<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN101380289				
<b>Media [Statute]:</b> Public Water Supply				
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru				
<b>Violation Number:</b>		<input type="text" value="8"/>		
<b>Rule Cite(s):</b>		30 Tex. Admin. Code § 290.43(e)		
<b>Violation Description:</b>		Failed to ensure all potable water storage tanks are installed in lockable buildings that are designed to prevent intruder access or enclosed by a properly constructed intruder-resistant fence with lockable gates. Specifically, at the time of the investigation, it was documented that the fence around the ground storage tank did not have a lockable gate.		
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	
<b>Percent</b>				<input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>				<input type="text" value="0%"/>
<b>Matrix Notes:</b>		Failure to properly secure the Facility's ground storage tank could render the Facility vulnerable to vandalism from trespassers thereby exposing customers of the water supply to a significant amounts of pollutants that would not exceed levels protective of human health.		
<b>Adjustment</b>				<input type="text" value="\$900"/>
				<input type="text" value="\$100"/>
<b>Violation Events</b>				
		<input type="text" value="1"/>	<input type="text" value="52"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<b>Violation Base Penalty</b>				<input type="text" value="\$100"/>
One quarterly event is recommended, calculated from the investigation date, November 19, 2008, to the compliance date, January 10, 2009.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>	
		<small>Before NOV      NOV to EDPRP/Settlement Offer</small>		<input type="text" value="\$25"/>
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes:</b>		The Respondent achieved compliance by January 10, 2009.		
<b>Violation Subtotal</b>				<input type="text" value="\$75"/>
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$10"/>	<b>Violation Final Penalty Total</b>	
		<input type="text" value="\$94"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$94"/>

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 8

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

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	19-Nov-2008	10-Jan-2009	0.14	\$0	\$9	\$10
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 cost includes the amount to install an intruder-resistant fence with a lockable gate to protect the ground storage tank. The date required is the date of the investigation date. The final date is the 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

\$1,000

**TOTAL**

\$10

<b>Screening Date</b> 28-Jan-2009	<b>Docket No.</b> 2009-0159-PWS-E	<b>PCW</b>		
<b>Respondent</b> Joe Thurman Lodge & Livery, Inc.		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 37105		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101380269				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §.290.46(m)(1)(A)			
<b>Violation Description</b>	Failed to conduct an annual inspection of the Facility's ground storage tank.			
<b>Base Penalty</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			
	Potential		X	
				<b>Percent</b> 10%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent</b> 0%
<b>Matrix Notes</b>	Failure to perform annual inspections of the ground storage tank could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.			
<b>Adjustment</b>				\$900
				\$100
<b>Violation Events</b>				
<b>Number of Violation Events</b>		1	<b>Number of violation days</b>	
		5		
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b> \$100
One quarterly event is recommended, calculated for the 12 months prior to the investigation date, November 19, 2008.				
<b>Good Faith Efforts to Comply</b>		25.0% Reduction		\$25
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary	X			
N/A		(mark with x)		
<b>Notes</b>	The Respondent achieved compliance on November 24, 2008.			
<b>Violation Subtotal</b>				\$75
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		\$105	<b>Violation Final Penalty Total</b> \$94	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$94

## Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 9

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

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

**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				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

**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	\$100	19-Nov-2007	19-Nov-2008	1.00	\$5	\$100	\$105
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

The avoided cost includes the amount necessary to perform an annual inspection of the Facility's ground storage tank. The date required for the annual inspection is the 12 months preceeding the investigation date.

Approx. Cost of Compliance

\$100

**TOTAL**

\$105

<b>Screening Date</b> 28-Jan-2009		<b>Docket No.</b> 2009-0159-PWS-E		<b>PCW</b>	
<b>Respondent</b> Joe Thurman Lodge & Livery, Inc.			<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 37105			<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101380269					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru					
<b>Violation Number</b>		<input type="text" value="10"/>			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(m)(1)(B)			
<b>Violation Description</b>		Failed to conduct an annual inspection of the Facility's three pressure tanks.			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>		Failure to perform annual inspection of the pressure tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would exceed levels that are protective of human health.			
<b>Adjustment</b>				<input type="text" value="\$750"/>	
				<input type="text" value="\$250"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="3"/>			
		<input type="text" value="70"/> <b>Number of violation days</b>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<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"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$750"/>	
Three single events are recommended, based on one single event for each tank.					
<b>Good Faith Efforts to Comply</b>					
		0.0% Reduction		<input type="text" value="\$0"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>		The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				<input type="text" value="\$750"/>	
<b>Economic Benefit (EB) for this violation</b>					
		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$211"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$923"/>	
				<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$923"/>	

### Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 10

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

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

**Delayed Costs**

Equipment				0.00	\$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				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

**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	\$200	19-Nov-2007	19-Nov-2008	1.00	\$10	\$201	\$211
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

The avoided cost includes the amount necessary to perform an annual inspection of the Facility's pressure tanks (\$100.00 per tank). The date required for the annual inspection is the 12 months preceding the investigation date. The final date is the investigation date.

Approx. Cost of Compliance

\$200

**TOTAL**

\$211

<b>Screening Date:</b> 28-Jan-2009		<b>Docket No.:</b> 2009-0159-PWS-E		<b>PCW</b>
<b>Respondent:</b> Joe Thurman Lodge & Livery, Inc.			<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 37105			<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN101380269				
<b>Media [Statute]:</b> Public Water Supply				
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>	<input type="text" value="11"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30-Tex. Admin. Code § 290.46(h)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to keep a supply of calcium hypochlorite disinfectant on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
			<b>Falsification</b>	
			<b>Major</b>	<b>Moderate</b>
			<b>Minor</b>	
			<input type="text"/>	<input type="text"/>
			<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Failure to keep a supply of calcium hypochlorite on hand for use as a disinfectant for use when conducting any activity that interrupts the flow of potable water in the distribution system may result in the exposure of a significant amount of contaminants which would exceed levels protective of human health."/>			
<b>Adjustment</b>				<input type="text" value="\$750"/>
				<input type="text" value="\$250"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="7"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<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"/>		
<b>Violation Base Penalty</b>				<input type="text" value="\$250"/>
<input type="text" value="One monthly is recommended, calculated from the investigation date, November 19, 2008, to the compliance date, November 26, 2008."/>				
<b>Good Faith Efforts to Comply</b>				
		<b>25.0% Reduction</b>		
		<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<i>(mark with x)</i>		
<b>Notes</b>	<input type="text" value="The Respondent submitted compliance documentation in a letter dated November 26, 2009."/>			
<b>Violation Subtotal</b>				<input type="text" value="\$188"/>
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	
			<input type="text" value="\$235"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$235"/>

### Economic Benefit Worksheet

**Respondent:** Joe Thurman Lodge & Livery, Inc.

**Case ID No.:** 37105

**Reg. Ent. Reference No.:** RN101380269

**Media:** Public Water Supply

**Violation No.:** 11

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	19-Nov-2008	26-Nov-2008	0.02	\$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 cost includes the amount necessary to purchase and keep on hand ANSI/NSF Standard 60 calcium hypochlorite for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service. The date required is the date of the investigation date. The final date is the 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

\$150

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603472465 Joe Thurman Lodge & Livery, Inc. Classification: Rating:  
 Regulated Entity: RN101380269 JOE THURMAN LODGE & LIVERY Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1670005  
 Location: 1230 U.S. HIGHWAY 84 WEST, GOLDTHWAITE, MILLS COUNTY, TEXAS  
 TCEQ Region: REGION 09 - WACO  
 Date Compliance History Prepared: April 23, 2009  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: January 28, 2004 to January 28, 2009  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## 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? BJK Motel, LLC
4. If Yes, who was/were the prior owner(s)? Joe Thurman Lodge & Livery, Inc.
5. When did the change(s) in ownership occur? March 3, 2009

### 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	06/29/2005	(350586)
N/A	2	04/10/2006	(457925)
	3	06/15/2007	(561042)
	4	01/14/2009	(707994)

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

Date:	06/24/2005	(350586)	CN603472465
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(B)		
Description:	Failure to locate a well at least 300 feet from a sewage pumping station.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)		
Description:	Failure to provide a well casing eighteen inches above the ground surface.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
Description:	Failure to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)		
Description:	Failure to properly seal the wellheads.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to provide well No. 2 with a flow meter.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25) 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to protect the well with an intruder-resistant fence or locked, ventilated wellhouse.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder-resistant fence or lockable building in order to protect the pressure tank.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25) 30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder-resistant fence in order to protect the ground storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to provide a properly screened roof vent on the ground storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to provide an overflow pipe with a hinged flap on the ground storage tank.		
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 a properly designed roof access opening.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(c)(1)(B)(iii)		
Description:	Failure to provide an adequate number of service pumps.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)		
Description:	Failure to provide a proper ground storage tank roof to prevent the possibility of ponding.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
Description:	Failure to insure that the ground storage tank is thoroughly tight against leakage.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)		
Description:	Failure to provide an access ladder on the ground storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)		
Description:	Failure to properly seal the hypochlorination solution container.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain a Monthly Operation Report (MOR).		

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  
JOE THURMAN LODGE & LIVERY,  
INC.  
RN101380269**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-0159-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 Joe Thurman Lodge & Livery, 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, represented by Lynden W. Lynch, Jr., Attorney at Law, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 1230 U.S. Highway 84 West in Goldthwaite, Mills County, Texas (the "Facility") that has approximately 18 service connections 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 January 21, 2009.
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 Two Thousand Three Hundred Seventy-Six Dollars (\$2,376) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Nine Hundred One Dollars (\$1,901) of the administrative penalty and Four Hundred Seventy-Five Dollars (\$475) 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 have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. As of November 24, 2008, inspected the Facility's ground storage tank.
  - b. As of November 26, 2008, began keeping on hand a supply of calcium hypochlorite disinfectant, which meets ANSI/NSF Standard 60.
  - c. As of January 10, 2009:
    - i. Provided a 16-mesh or finer corrosion resistant screen for the vents on the ground storage tank; and
    - ii. Repaired the gate securing the ground storage tank to make it lockable.
  - d. As of February 7, 2009:
    - i. Installed a second service pump with a minimum capacity of 1.0 gallon per minute per unit; and
    - ii. Installed a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch on the overflow on the ground storage tank.
  - e. As of February 15, 2009:
    - i. Compiled and began maintaining a complete and up-to-date operations manual for operator review and reference;
    - ii. Installed a lockable hasp on the roof access opening on the ground storage tank; and
    - iii. Developed and began maintaining an accurate and up-to-date map of the distribution system.
  - f. As of March 27, 2009, provided well plugging data for Well No. 2.
  - g. As of April 22, 2009, provided certification that the Facility was sold on March 3, 2009.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(i) and 290.46(n)(3), as documented during an investigation conducted on November 19, 2008.
2. Failed to compile and maintain a complete and up-to-date operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on November 19, 2008.
3. Failed to provide a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on November 19, 2008.
4. Failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on November 19, 2008.
5. Failed to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on November 19, 2008.
6. Failed to provide two or more service pumps with a total capacity of 1.0 gpm per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 19, 2008.
7. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on November 19, 2008.
8. Failed to ensure all potable water storage tanks and pressure maintenance facilities are installed in lockable buildings that are designed to prevent intruder access or enclosed by a properly

constructed intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on November 19, 2008.

9. Failed to conduct an annual inspection of the Facility's ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on November 19, 2008.
10. Failed to conduct an annual inspection of the Facility's three pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on November 19, 2008.
11. Failed to keep a supply of calcium hypochlorite disinfectant on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service, in violation of 30 TEX. ADMIN. CODE § 290.46(h), as documented during an investigation conducted on November 19, 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: Joe Thurman Lodge & Livery, Inc., Docket No. 2009-0159-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. 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.
3. 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.

4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. 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.

Joe Thurman Lodge & Livery, Inc.  
DOCKET NO. 2009-0159-PWS-E  
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John Suddler*  
For the Executive Director

\_\_\_\_\_  
Date 9/18/09

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.

*Patricia Cheng Lynch*  
Signature

\_\_\_\_\_  
Date 9/18/09

Patricia Cheng Lynch  
Name (Printed or typed)  
Authorized Representative of  
Joe Thurman Lodge & Livery, Inc.

President  
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.