

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1614-WOC-E **TCEQ ID:** RN105577894 **CASE NO.:** 36632

RESPONDENT NAME: James Hall

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" 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: 205 East 11th Street, Thornton, Limestone County</p> <p>TYPE OF OPERATION: Public water system and wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 March 9, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. James Hall, Chief of Police, City of Thornton, P.O. Box 396, Thornton, Texas 76687 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 15, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 17, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to obtain a valid public water system operator license prior to performing process control duties for the production and distribution of drinking water. Specifically, on the date of the investigation, the Respondent was operating the City of Thornton's public water system without the required Class "C" operator license [30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b), TEX. WATER CODE § 37.003, and TEX. HEALTH & SAFETY CODE § 341.034(b)].</p> <p>2) Failure to obtain a wastewater treatment operator license prior to performing activities as a wastewater treatment operator. Specifically, at the time of the investigation, it was documented that the Respondent was operating the City of Thornton's wastewater treatment facility without at least a Class "C" operator license [30 TEX. ADMIN. CODE §§ 30.5(a) and 30.331(b) and TEX. WATER CODE §§ 26.0301(c) and 37.003].</p>	<p>Total Assessed: \$1,491</p> <p>Total Deferred: \$298 <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: \$1,193</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 after the effective date of this Agreed Order, cease operating the Facilities until properly licensed; and</p> <p>b. Within 15 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 a.</p>

Additional ID No(s): N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	22-Sep-2008			
	PCW	2-Oct-2008	Screening	1-Oct-2008	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	James Hall			
Reg. Ent. Ref. No.	RN105577894			
Facility/Site Region	9-Waco	Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	36632	No. of Violations	2
Docket No.	2008-1614-WOC-E	Order Type	1660
Media Program(s)	All Occupational Licenses	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Carlie Konkol
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment is recommended due to no compliance history.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$241	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$222	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	19.3%	Adjustment	\$241
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount	\$1,491
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,491
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DEFERRAL	20.0% Reduction	Adjustment	-\$298
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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	\$1,193
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Screening Date 1-Oct-2008

Docket No. 2008-1614-WOC-E

PCW

Respondent James Hall

Policy Revision 2 (September 2002)

Case ID No. 36632

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN105577894

Media [Statute] All Occupational Licenses

Enf. Coordinator Carlie Konkol

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

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

>> **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

No adjustment is recommended due to no compliance history.

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

Screening Date 1-Oct-2008	Docket No. 2008-1614-WOC-E	PCW	
Respondent James Hall	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36632	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN105577894			
Media [Statute] All Occupational Licenses			
Enf. Coordinator Carlie Konkol			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 30.5(a) and 30.381(b), Tex. Water Code § 37.003 and Tex. Health & Safety Code 341.034(b)		
Violation Description	Failed to obtain a valid public water system operator license prior to performing process control duties for the production and distribution of drinking water. Specifically, on the date of the investigation, the Respondent was operating the City of Thornton's public water system without the required Class "C" operator license.		
Base Penalty		<input type="text" value="\$2,500"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
Potential <input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="0%"/>
Matrix Notes	The failure to have the required license to operate the water system could result in the improper treatment of the water thus, potentially exposing the City of Thornton distribution system to contaminants hazardous to human health.		
Adjustment		<input type="text" value="\$1,875"/>	
		<input type="text" value="\$625"/>	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="78"/>	
<small>mark only one - with an x</small>	daily <input type="text"/>		
	monthly <input type="text" value="x"/>		
	quarterly <input type="text"/>		
	semiannual <input type="text"/>		
	annual <input type="text"/>		
	single event <input type="text"/>		
		Violation Base Penalty <input type="text" value="\$625"/>	
One monthly event is recommended calculated from the September 9, 2008 date that the violations were referred to Enforcement to the October 1, 2008 screening date.			
Good Faith Efforts to Comply		0.0% Reduction <input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$625"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$121"/>		Violation Final Penalty Total <input type="text" value="\$746"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$746"/>	

Economic Benefit Worksheet

Respondent James Hall
Case ID No. 36632
Reg. Ent. Reference No. RN105577894
Media All Occupational Licenses
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				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				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]	\$111	15-Jul-2008	15-May-2009	1.75	\$10	\$111	\$121
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost is the amount to obtain a required license to operate a public water supply facility calculated from the investigation date to the estimated date of compliance.

Approx. Cost of Compliance

\$111

TOTAL

\$121

Screening Date 1-Oct-2008	Docket No. 2008-1614-WOC-E	PCW	
Respondent James Hall		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36632		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN105577894			
Media [Statute] All Occupational Licenses			
Enf. Coordinator Carlie Konkol			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code §§ 30.5(a) and 30.331(b), and Tex. Water Code §§ 26.0301(c) and 37.003		
Violation Description	Failed to obtain a wastewater treatment operator license prior to performing activities as a wastewater treatment operator. Specifically, at the time of the investigation, it was documented that the Respondent was operating the City of Thornton's wastewater treatment plant without a minimum requirement of a Class "C" operator license.		
	Base Penalty	\$2,500	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
	Potential	x	Percent 25%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
			Percent 0%
Matrix Notes	Operating a wastewater treatment plant without the proper license could result in the improper operation of the facility and improper wastewater treatment and could expose the public or the environment to contaminants hazardous to human health.		
	Adjustment	\$1,875	
		\$625	
Violation Events			
	Number of Violation Events	1	Number of violation days 78
<small>mark only one with an x</small>	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
	Violation Base Penalty	\$625	
One monthly event is recommended calculated from the September 9, 2008 date that the violation was referred to Enforcement to the October 1, 2008 screening date.			
Good Faith Efforts to Comply		0.0% Reduction	\$0
		Before NOV NOV to EDRP/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	\$625	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	\$121	Violation Final Penalty Total \$746
	This violation Final Assessed Penalty (adjusted for limits)		\$746

Economic Benefit Worksheet

Respondent: James Hall
Case ID No.: 36632
Reg. Ent. Reference No.: RN105577894
Media: All Occupational Licenses
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
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				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]	\$111	15-Jul-2008	15-May-2009	1.75	\$10	\$111	-\$121
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost is the amount to obtain a required license to operate a wastewater treatment facility calculated from the investigation date to the estimated date of compliance.

Approx. Cost of Compliance	\$111	TOTAL	\$121
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Compliance History Report

Customer/Respondent/Owner-Operator: CN603386038 HALL, JAMES Classification: Rating:
Regulated Entity: RN105577894 JAMES HALL Classification: Site Rating:
ID Number(s):
Location: 205 E 11TH STREET, THORNTON TX 76687
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: October 10, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 01, 2003 to October 01, 2008

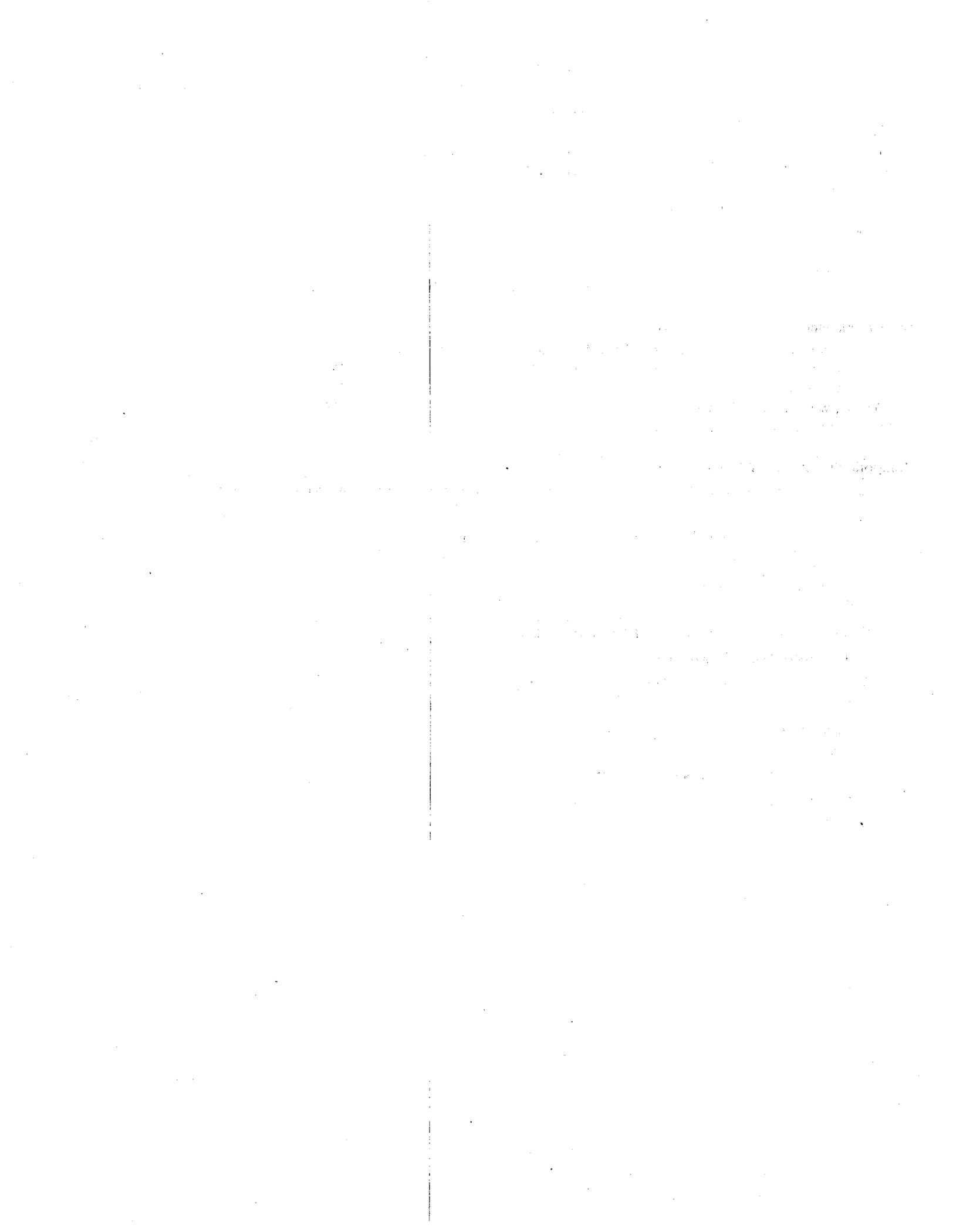
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Carlie Konkol Phone: (361) 825-3422

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 09/19/2008 (686452)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JAMES HALL
RN105577894

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1614-WOC-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 James Hall ("the Respondent") under the authority of TEX. WATER CODE chs. 7, 26 and 37 and 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 operates a public water system and wastewater treatment facility located at 205 East 11th Street in Thornton, Limestone County, Texas (the "Facilities"), that has approximately 301 service connections and serves at least 25 people per day for at least 60 days per year.
2. The TCEQ has a general authority to regulate the licensing of wastewater treatment operators, pursuant to TEX. WATER CODE ch. 37.
3. 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.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2008.
5. 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.
6. An administrative penalty in the amount of One Thousand Four Hundred Ninety-One Dollars (\$1,491) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand One Hundred Ninety-Three Dollars

(\$1,193) of the administrative penalty and Two Hundred Ninety-Eight Dollars (\$298) 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
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 operator of the Facilities, the Respondent is alleged to have:

1. Failed to obtain a valid public water system operator license prior to performing process control duties for the production and distribution of drinking water, in violation of 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b), TEX. WATER CODE § 37.003 and TEX. HEALTH & SAFETY CODE § 341.034(b), as documented during an investigation conducted on July 15, 2008. Specifically, on the date of the investigation, the Respondent was operating the City of Thornton's public water system without the required Class "C" operator license.
2. Failed to obtain a wastewater treatment operator license prior to performing activities as a wastewater treatment operator, in violation of 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.331(b), and TEX. WATER CODE §§ 26.0301(c) and 37.003, as documented during an investigation conducted on July 15, 2008. Specifically, at the time of the investigation, it was documented that the Respondent was operating the City of Thornton's wastewater treatment facility without at least a Class "C" operator license.

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 6 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: James Hall, Docket No. 2008-1614-WOC-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 after the effective date of this Agreed Order, cease operating the Facilities until properly licensed, in accordance with 30 TEX. ADMIN. CODE § 30.5(a).
 - b. Within 15 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.a. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. 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.
7. 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.
8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin
For the Executive Director

3/24/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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.

James Hall
Signature

12/19/2008
Date

James Hall
Name (Printed or typed)
Authorized Representative of
James Hall

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.

29.07.2014

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