

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-0834-PWS-E **TCEQ ID:** RN103018818 **CASE NO.:** 35915

**RESPONDENT NAME:** Darrell Hall dba 2620 Estates

<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> 2620 Estates, located along County Road 227, off Farm-to-Market Road 2620, eight miles south of Bédias, Grimes 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> A complaint was received on February 19, 2008, alleging poor water quality that had a sulfuric odor. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 27, 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> Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Darrell Hall, Owner, 2620 Estates, P.O. Box 1419, Madisonville, Texas 77864  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input 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>                      February 19, 2008</p> <p><b>Date of Investigation Relating to this Case:</b>                      March 5, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 28, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4)].</p> <p>2) Failure to provide written notification to the Commission of the startup of a new public water supply system [30 TEX. ADMIN. CODE § 290.39(m)].</p> <p>3) Failure to submit detailed engineering reports prior to activating a new public water supply system [30 TEX. ADMIN. CODE § 290.39(e)(1) and TEX. HEALTH &amp; SAFETY CODE § 341.035(c)].</p> <p>4) Failure to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)].</p> <p>5) Failure to provide an intruder-resistant fence in order to protect the wells and pressure tanks [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].</p>	<p><b>Total Assessed:</b> \$6,885</p> <p><b>Total Deferred:</b> \$1,377  <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> \$5,508</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><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Commission was notified of the public water system's start-up during the compliance investigation conducted on March 5, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining a free chlorine residual of at least 0.2 mg/L or a combined chlorine residual of at least 0.5 mg/L throughout the distribution system at all times;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit as-built plans, specifications, and engineering reports for the Facility;</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and b;</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Install disinfection equipment for Well Nos. 1, 2, 3, and 5 so that continuous and effective disinfection can be secured under all conditions; and</p> <p>ii. Install intruder-resistant fences for Well Nos. 1, 2, 3, and 4 and their respective pressure tanks.</p> <p>e. Within 75 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 d.</p>

Additional ID No(s): PWS ID 0930063



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision February 29, 2008

DATES	Assigned	28-Apr-2008	Screening	19-May-2008	EPA Due	
	PCW	19-May-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Darrell Hall dba 2620 Estates
Reg. Ent. Ref. No.	RN103018818
Facility/Site Region	9-Waco
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35915	No. of Violations	5	
Docket No.	2008-0834-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Stephen Thompson	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$6,300
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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.

<b>Compliance History</b>	5% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$315
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Notes: Penalty enhancement is due to one Notice of Violation that contains violations that are the same or similar to the violations contained in the current enforcement action.

<b>Culpability</b>	No	0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<i>Subtotal 5</i>	\$0
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	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.

<b>Total EB Amounts</b>	\$896	0% Enhancement*	<i>Subtotal 6</i>	\$0
<b>Approx. Cost of Compliance</b>	\$10,300	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$6,615
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	4%	<i>Adjustment</i>	\$270
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

<b>Final Penalty Amount</b>	\$6,885
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$6,885
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<b>DEFERRAL</b>	20%	Reduction	<i>Adjustment</i>	-\$1,377
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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.

<b>PAYABLE PENALTY</b>	\$5,508
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Screening Date 19-May-2008

Docket No. 2008-0834-PWS-E

PCW

Respondent Darrell Hall dba 2620 Estates

Policy Revision 2 (September 2002)

Case ID No. 35915

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN103018818

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

## Compliance History Worksheet

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

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Penalty enhancement is due to one Notice of Violation that contains violations that are the same or similar to the violations contained in the current enforcement action.

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

<b>Screening Date</b> 19-May-2008	<b>Docket No.</b> 2008-0834-PWS-E	<b>PCW</b>
<b>Respondent</b> Darrell Hall dba 2620 Estates	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35915	<small>PCW Revision February 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN103018818		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(b)(4)	
<b>Violation Description</b>	Failed to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the investigation, samples taken from a location about 50 feet from 4622 County Road 227 and Well No. 3 revealed a free chlorine level of 0.01 mg/L.	
<b>Base Penalty</b>		\$1,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	<b>Potential</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="10%"/>	

>> Programmatic Matrix

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**  
 Failure to maintain an adequate disinfectant concentration within the water supply could result in consumers being exposed to significant levels of contaminants which would not exceed levels protective of human health.

**Adjustment**

Violation Events

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

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$270"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$109"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$109"/>	

## Economic Benefit Worksheet

**Respondent:** Darrell Hall dba 2620 Estates  
**Case ID No.:** 35915  
**Reg. Ent. Reference No.:** RN103018818  
**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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	5-Mar-2008	1-Nov-2008	1.6	\$20	\$250	\$270
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary for additional maintenance and oversight and an increase in chlorine dosage that could have avoided or prevented the low disinfection residual levels, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$250

TOTAL

\$270

<b>Screening Date</b> 19-May-2008	<b>Docket No.</b> 2008-0834-PWS-E	<b>PCW</b>
<b>Respondent</b> Darrell Hall dba 2620 Estates	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35915	<i>PCW Revision February 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN103018818		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(m)	
<b>Violation Description</b>	Failed to provide written notification to the Commission of the startup of a new public water supply system.	
<b>Base Penalty</b>		\$1,000

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

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

**>> Programmatic Matrix**

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

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
single event	x	

**Violation Base Penalty**

One single event is recommended.

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

Estimated EB Amount       Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** Darrell Hall dba 2620 Estates  
**Case ID No.** 35915  
**Reg. Ent. Reference No.** RN103018818  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	5-Mar-2008	5-Mar-2008	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to prepare and submit written notification to the Commission concerning the startup of a new water system. The date on which the investigation occurred was the same date on which compliance was achieved.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$0

<b>Screening Date</b> 19-May-2008	<b>Docket No.</b> 2008-0834-PWS-E	<b>PCW</b>
<b>Respondent</b> Darrell Hall dba 2620 Estates	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35915	<small>PCW Revision February 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN103018818		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b> <input type="text" value="3"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.39(e)(1) and Tex. Health &amp; Safety Code § 341.035(c)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to submit detailed engineering reports prior to activating a new public water supply system."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

**Adjustment**

Violation Events

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="75"/>													
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text" value="x"/>														

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$52"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$109"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$109"/>	

## Economic Benefit Worksheet

**Respondent:** Darrell Hall dba 2620 Estates  
**Case ID No.:** 35915  
**Reg. Ent. Reference No.:** RN103018818  
**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
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	5-Mar-2008	1-Dec-2008	0.7	\$2	\$49	\$52
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount necessary to prepare and submit engineering plans, specifications, and reports for the Facility to the Commission, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$1,000	<b>TOTAL</b>	\$52
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<b>Screening Date</b> 19-May-2008	<b>Docket No.</b> 2008-0834-PWS-E	<b>PCW</b>
<b>Respondent</b> Darrell Hall dba 2620 Estates	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35915	<small>PCW Revision February 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN103018818		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Stephen Thompson		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(3)	
<b>Violation Description</b>	Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, at the time of the investigation, it was documented that Well Nos. 1, 2, 3, and 5 did not have disinfection equipment installed to inject chlorine into the system.	
<b>Base Penalty</b>		\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	<b>Falsification</b>					
		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
					<b>Percent</b>	0%
<b>Matrix Notes</b>	Failure to provide equipment to disinfect the water could allow the customers to be exposed to significant amounts of pollutants which would exceed levels that are protective of human health.					

**Adjustment**

Violation Events

Number of Violation Events <input type="text" value="12"/>		Number of violation days <input type="text" value="75"/>													
<small>mark only one with an x</small> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	x	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="\$3,000"/>
daily	<input type="checkbox"/>														
monthly	x														
quarterly	<input type="checkbox"/>														
semiannual	<input type="checkbox"/>														
annual	<input type="checkbox"/>														
single event	<input type="checkbox"/>														

Twelve monthly events (three events for each well) are recommended, calculated from the investigation date (March 5, 2008) to the screening date (May 19, 2008).

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$319"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$3,279"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,279"/>	

## Economic Benefit Worksheet

**Respondent** Darrell Hall dba 2620 Estates  
**Case ID No.** 35915  
**Reg. Ent. Reference No.** RN103018818  
**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
No commas or \$							

### Delayed Costs

Equipment	\$5,000	5-Mar-2008	1-Feb-2009	0.9	\$15	\$304	\$319
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount necessary to install and operate disinfection equipment, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$319
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**Screening Date** 19-May-2008 **Docket No.** 2008-0834-PWS-E **PCW**  
**Respondent** Darrell Hall dba 2620 Estates *Policy Revision 2 (September 2002)*  
**Case ID No.** 35915 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN103018818  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

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

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** Darrell Hall dba 2620 Estates  
**Case ID No.:** 35915  
**Reg. Ent. Reference No.:** RN103018818  
**Media:** Public Water Supply  
**Violation No.:** 5

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$4,000	5-Mar-2008	1-Feb-2009	0.9	\$12	\$243	\$255
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to install intruder-resistant fences for Well Nos. 1, 2, 3, and 4 and their respective pressure tanks, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$4,000	<b>TOTAL</b>	\$255
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# Compliance History

Customer/Respondent/Owner-Operator:	CN602553489	HALL, DARRELL	Classification:	Rating:
Regulated Entity:	RN103018818	2620 ESTATES	Classification:	Site Rating:
ID Number(s):				
Location:	ALONG CR 227, OFF FM 2620, 8 MILES SOUTH OF BEDIAS, GRIMES COUNTY, TEXAS			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	March 31, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 31, 2003 to March 31, 2008			

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

Name: Stephen Thompson Phone: (512) 239-2558

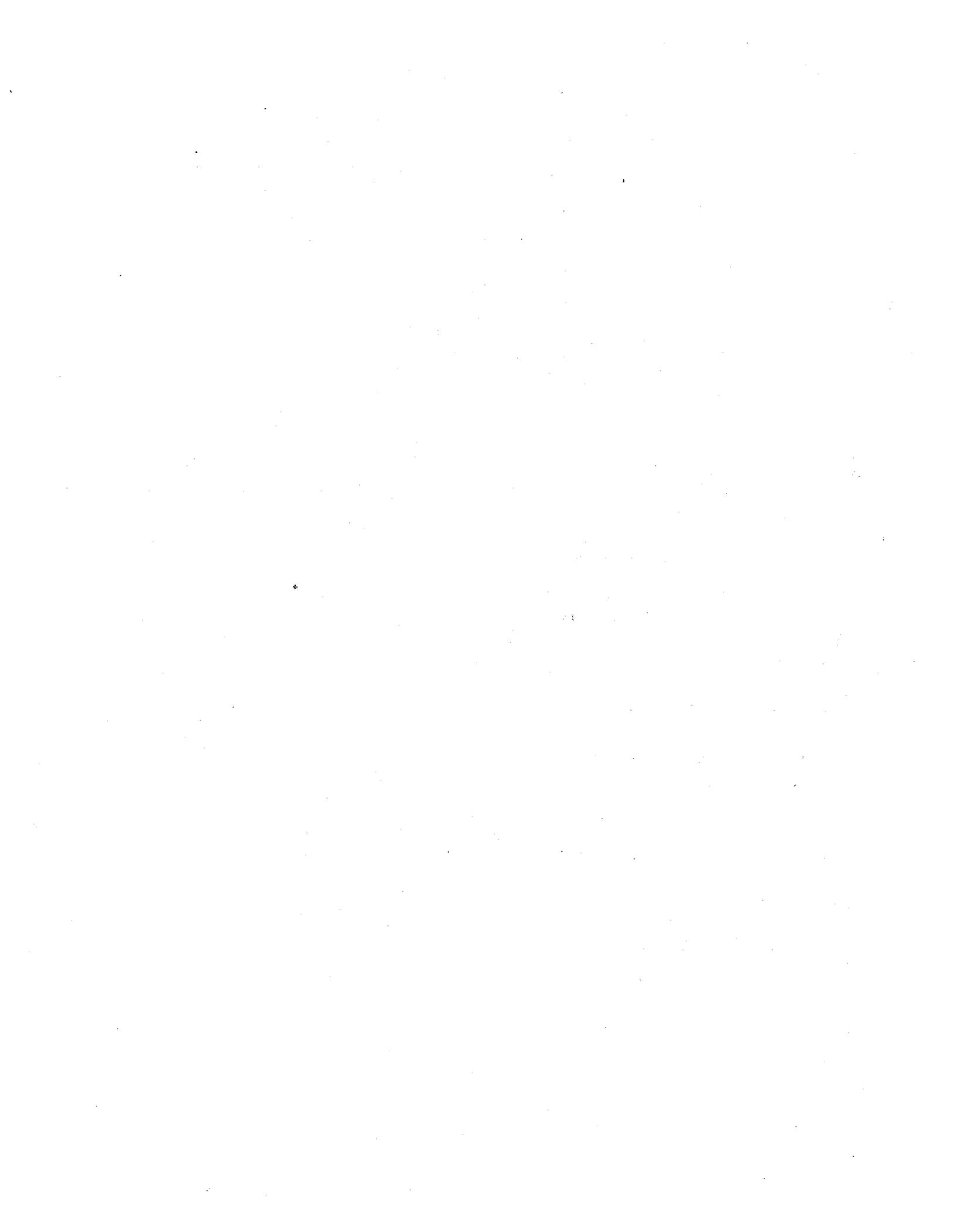
### Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No         |
| 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?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  

Date:	04/03/2003	(31796)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L total chlorine or 0.20 mg/L free chlorine as per agency regulations.		
  - 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  
DARRELL HALL DBA 2620 ESTATES  
RN103018818

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0834-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 Darrell Hall dba 2620 Estates ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply along County Road 227, off Farm-to-Market Road 2620, eight miles south of Bedia in Grimes County, Texas (the "Facility") that has approximately 56 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 May 3, 2008.
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 Six Thousand Eight Hundred Eighty-Five Dollars (\$6,885) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Five Hundred Eight Dollars (\$5,508) of the administrative penalty and One Thousand Three Hundred Seventy-Seven Dollars (\$1,377) 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 Commission was notified of the public water system's start-up during the compliance investigation conducted on March 5, 2008.
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 a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4), as documented during an investigation conducted on March 5, 2008.
2. Failed to provide written notification to the Commission of the startup of a new public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(m), as documented during an investigation conducted on March 5, 2008.
3. Failed to submit detailed engineering reports prior to activating a new public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and TEX. HEALTH & SAFETY CODE § 341.035(c), as documented during an investigation conducted on March 5, 2008.
4. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3), as documented during an investigation conducted on March 5, 2008.

5. Failed to provide an intruder-resistant fence in order to protect the wells and pressure tanks, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e), as documented during an investigation conducted on March 5, 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: Darrell Hall dba 2620 Estates, Docket No. 2008-0834-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, begin maintaining a free chlorine residual of at least 0.2 mg/L or a combined chlorine residual of at least 0.5 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 30 days after the effective date of this Agreed Order, submit as-built plans, specifications, and engineering reports for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.

- d. Within 60 days after the effective date of this Agreed Order:
- i. Install disinfection equipment for Well Nos. 1, 2, 3, and 5 so that continuous and effective disinfection can be secured under all conditions, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - ii. Install intruder-resistant fences for Well Nos. 1, 2, 3, and 4 and their respective pressure tanks, in accordance with 30 TEX. ADMIN. CODE §§ 290.41 and 290.43.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Darrell Hall dba 2620 Estates  
DOCKET NO. 2008-0834-FWS-E

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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*John Soderlin*  
For the Executive Director

7/13/2009  
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.

*Darrell Hall*  
Signature

5-21-09  
Date

Darrell Hall  
Name (Printed or typed)  
Authorized Representative of  
Darrell Hall dba 2620 Estates

Owner  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.