

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1065-PWS-E **TCEQ ID:** RN101255545 **CASE NO.:** 37924
RESPONDENT NAME: Texas Parks and Wildlife Department

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: TPWD Texas Game Warden Training Center, 4363 Farm-to-Market Road 1047, Hamilton County</p> <p>TYPE OF OPERATION: Public water supply</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 December 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Janelle Taylor, TCEQ Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 Colonel Peter P. Flores, Law Enforcement Division Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 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: June 16, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 25, 2009 (NOB)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to collect routine distribution water samples for coliform analysis for the months of September 2008 through May 2009 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p> <p>3) Failure to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to provide all the Facility's pressure tanks with an easily readable pressure gauge [30 TEX. ADMIN. CODE § 290.43(d)(2)].</p> <p>5) Failure to notify and obtain approval from the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j)].</p>	<p>Total Assessed: \$3,250</p> <p>Total Deferred: \$650 <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: \$2,600</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 checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, commence operating the Facility's chlorination equipment to maintain a free chlorine residual of 0.2 mg/L in the far reaches of the distribution system.</p> <p>b. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliance monitoring and reporting; and</p> <p>ii. Begin monitoring the disinfectant residual at representative locations within the distribution system at least once every seven days.</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit written certification that demonstrates compliance with Ordering Provisions a and b.</p> <p>d. Within 120 days after the effective date of this Agreed Order:</p> <p>i. Provide all the Facility's pressure tanks with an operable pressure gauge;</p> <p>ii. Provide the water well with a concrete sealing block extending at least three feet from the well casing in all directions;</p> <p>iii. Begin properly maintaining records of water works operation and maintenance activities and operating records of the Facility, including but not limited to a copy of the sanitary control easement, the plant operations manual and the chemical and microbiological monitoring plan;</p> <p>iv. Install a flow measuring device on the Facility's water well; and</p>

<p>6) Failure to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot around the wellhead [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>7) Failure to provide a flow measuring device for the Facility's water well [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>8) Failure to provide an overflow for the Facility's storage tank with the discharge opening above the surface of the ground and not subject to submergence [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>9) Failure to keep on file and make available for Commission review water system records [30 TEX. ADMIN. CODE § 290.46(f)].</p> <p>10) Failure to ensure that there are no more than three pressure tanks installed at any one site without prior approval of the Executive Director [30 TEX. ADMIN. CODE § 290.43(d)(9)].</p>		<p>v. Ensure the discharge opening of the overflow pipe of the ground storage tank is not terminated below the surface and not subject to submergence.</p> <p>e. Within 135 days after the effective date of this Agreed Order, submit written certification that demonstrates compliance with Ordering Provision d;</p> <p>f. Within 180 days after the effective date of this Agreed Order, submit proper notification and obtain an approval from the Executive Director for the modifications made to the distribution and pressure maintenance facilities; and</p> <p>g. Within 195 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 f.</p>
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Additional ID No(s): PWS ID No. 0970013



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	29-Jun-2009	Screening	10-Jul-2009	EPA Due	
	PCW	13-Jul-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Parks and Wildlife Department
Reg. Ent. Ref. No.	RN101255545
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37924	No. of Violations	10
Docket No.	2009-1065-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 10-Jul-2009

Docket No. 2009-1065-PWS-E

PCW

Respondent Texas Parks and Wildlife Department

Policy Revision 2 (September 2002)

Case ID No. 37924

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101255545

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

There is no penalty enhancement due to no prior compliance history.

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

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW									
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>										
Case ID No. 37924	<i>PCW Revision October 30, 2008</i>										
Reg. Ent. Reference No. RN101255545											
Media [Statute] Public Water Supply											
Enf. Coordinator Yuliya Dunaway											
Violation Number <input type="text" value="1"/>											
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.109(c)(2)(A)(i) and Tex. Health & Safety Code § 341.033(d)"/>										
Violation Description	<input type="text" value="Failed to collect routine distribution water samples for coliform analysis for the months of September 2008 through May 2009."/>										
Base Penalty		<input type="text" value="\$1,000"/>									
>> Environmental, Property and Human Health Matrix											
Harm											
Release	Major	Moderate	Minor								
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">Actual</td> <td style="width:25%;"><input type="text"/></td> <td style="width:25%;"><input type="text"/></td> <td style="width:25%;"><input type="text"/></td> </tr> <tr> <td>Potential</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>								
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
		Percent	<input type="text" value="25%"/>								
>> Programmatic Matrix											
Falsification											
Major											
Moderate											
Minor											
		Percent	<input type="text" value="0%"/>								
Matrix Notes	<input type="text" value="Failure to collect routine coliform samples could result in the public being exposed to significant amounts of undetected bacteriological contamination which would exceed levels that are protective of human health."/>										
Adjustment		<input type="text" value="\$760"/>									
		<input type="text" value="\$260"/>									
Violation Events											
Number of Violation Events		<input type="text" value="9"/>	Number of violation days								
		<input type="text" value="271"/>									
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty								
	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"/>									
<input type="text" value="Nine monthly events are recommended."/>		<input type="text" value="\$2,250"/>									
Good Faith Efforts to Comply											
0.0% Reduction		<input type="text" value="\$0"/>									
Before NOV		NOV to EDRP/Settlement Offer									
Extraordinary	<input type="text"/>	<input type="text"/>									
Ordinary	<input type="text"/>	<input type="text"/>									
N/A	<input checked="" type="checkbox"/>	<input type="text" value="(mark with x)"/>									
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>										
Violation Subtotal		<input type="text" value="\$2,250"/>									
Economic Benefit (EB) for this violation		Statutory Limit Test									
Estimated EB Amount		<input type="text" value="\$244"/>	Violation Final Penalty Total								
		<input type="text" value="\$2,250"/>									
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$2,250"/>									

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
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
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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$225	1-Sep-2008	30-May-2009	1.68	\$19	\$225	\$244
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect monthly coliform samples (\$25 per month for nine monthly coliform samples), calculated for the months when violations occurred.

Approx. Cost of Compliance

\$225

TOTAL

\$244

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW														
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37924	<i>PCW Revision October 30, 2009</i>															
Reg. Ent. Reference No. RN101255545																
Media [Statute] Public Water Supply																
Enf. Coordinator Yuliya Dunaway																
Violation Number <input type="text" value="2"/>																
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §.290.110(c)(4)(A)"/>															
Violation Description	<input type="text" value="Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days."/>															
Base Penalty		<input type="text" value="\$1,000"/>														
>> Environmental, Property and Human Health Matrix																
Harm																
OR	Release	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	<input type="text" value="Failure to properly monitor the disinfectant residual could expose customers of the water supply to a significant amount of improperly chlorinated water which would exceed levels that are protective of human health."/>															
Adjustment		<input type="text" value="\$750"/>														
<input type="text" value="\$250"/>																
Violation Events																
Number of Violation Events	<input type="text" value="1"/>	Number of violation days														
	<input type="text" value="24"/>															
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input checked="" 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"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input checked="" type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input checked="" type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
<input type="text" value="One monthly event is recommended from the date of the investigation, June 16, 2009, to date of screening, July 10, 2009."/>																
Good Faith Efforts to Comply		<input type="text" value="\$0"/>														
0.0% Reduction																
Before NOV NOV to EDPRP/Settlement Offer																
Extraordinary	<input type="text"/>															
Ordinary	<input type="text"/>															
N/A	<input checked="" type="text"/> (mark with x)															
Notes:	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>															
Violation Subtotal		<input type="text" value="\$250"/>														
Economic Benefit (EB) for this violation		Statutory Limit Test														
Estimated EB Amount	<input type="text" value="\$40"/>	Violation Final Penalty Total <input type="text" value="\$250"/>														
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$250"/>														

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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]	\$40	16-Jun-2009	10-Jul-2009	0.00	\$0	\$40	\$40
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform weekly monitoring of the disinfectant residual in the system (\$10 per week), calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance

\$40

TOTAL

\$40

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW														
Respondent Texas Parks and Wildlife Department		<small>Policy Revision 2 (September 2002)</small>														
Case ID No. 37924		<small>PCW Revision October 30, 2008</small>														
Reg. Ent. Reference No. RN101255545																
Media [Statute] Public Water Supply																
Enf. Coordinator Yulya Dunaway																
Violation Number <input type="text" value="3"/>																
Rule Cite(s)	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(A), and Tex. Health & Safety Code § 341.0315(c)															
Violation Description	Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, a field test conducted at the Facility on June 16, 2009 recorded a free chlorine residual of 0.13 mg/L.															
	Base Penalty	<input type="text" value="\$1,000"/>														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
	Actual	<input type="text"/>														
	Potential	<input type="text" value="x"/>														
	Percent	<input type="text" value="10%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="text"/>	<input type="text" value="0%"/>														
Matrix Notes	If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.															
	Adjustment	<input type="text" value="\$900"/>														
		<input type="text" value="\$100"/>														
Violation Events																
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/> Number of violation days														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</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"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$100"/>
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 type="text" value="x"/>															
	<input type="text" value="One single event is recommended."/>															
Good Faith Efforts to Comply	0.0% Reduction	<input type="text" value="\$0"/>														
	<small>Before NOV NOV to EDP/PRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>															
Ordinary	<input type="text"/>															
N/A	<input type="text" value="x"/> (mark with x)															
Notes	The Respondent does not meet the good faith criteria for this violation.															
	Violation Subtotal	<input type="text" value="\$100"/>														
Economic Benefit (EB) for this violation	Statutory Limit Test															
Estimated EB Amount <input type="text" value="\$50"/>	Violation Final Penalty Total	<input type="text" value="\$100"/>														
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$100"/>															

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
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				0.00	\$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]	\$50	16-Jun-2009	17-Jun-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date when the violation occurred.

Approx. Cost of Compliance

\$50

TOTAL

\$50

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW	
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37924	<i>PCW Revision October 30, 2009</i>		
Reg. Ent. Reference No. RN101255545			
Media [Statute] Public Water Supply			
Enf. Coordinator Yuliya Dunaway			
Violation Number <input type="text" value="4"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(d)(2)		
Violation Description	Failed to provide all the Facility's pressure tanks with an easily readable pressure gauge. Specifically, at the time of the investigation, it was documented that two pressure gauges serving the pressure tanks were not functioning.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> 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"/>	<input checked="" type="checkbox"/>	<input type="text"/>
Percent		<input type="text" value="10%"/>	
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>	
Matrix Notes	Failure to provide pressure tanks with a pressure gauge would not allow the operator to make necessary adjustments to ensure the system is operating at the design pressure. As a result, customers could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.		
Adjustment		<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="24"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	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"/>	
<input type="text" value="\$200"/>			
Two quarterly events (one per pressure gauge) are recommended from the date of the investigation, June 16, 2009, to the date of screening, July 10, 2009.			
Good Faith Efforts to Comply			
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"/>	<input type="text"/> (mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$200"/>	
Economic Benefit (EB) for this violation			
Estimated EB Amount	<input type="text" value="\$7"/>	Violation Final Penalty Total	
		<input type="text" value="\$200"/>	
Statutory Limit Test			
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$200"/>	

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$140	16-Jun-2009	1-Mar-2010	0.71	\$0	\$7	\$7
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 estimated amount to provide all the Facility's pressure tanks with an operable pressure gauge (\$70 per gauge), 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				0.00	\$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 \$140

TOTAL \$7

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW														
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37924	<i>PCW Revision October 30, 2009</i>															
Reg. Ent. Reference No. RN101255545																
Media [Statute] Public Water Supply																
Enf. Coordinator Yuliya Dunaway																
Violation Number 5																
Rule Cite(s)	30 Tex. Admin. Code § 290.39(j)															
Violation Description	Failed to notify and obtain approval from the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, at the time of the investigation, it was documented that the Respondent made modifications to the Facility by adding three 1,000 gallon pressure tanks.															
	Base Penalty	\$1,000														
>> Environmental, Property and Human Health Matrix																
	Harm															
	Major	Moderate	Minor													
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Actual</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> </tr> </table>		Actual			Potential			Percent 0%							
Actual																
Potential																
>> Programmatic Matrix																
	Major	Moderate	Minor													
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Falsification</td> <td style="width:33%; text-align: center;">x</td> <td style="width:33%;"></td> </tr> </table>		Falsification	x		Percent 10%										
Falsification	x															
Matrix Notes	100% of the rule requirements were not met.															
	Adjustment	\$900														
		\$100														
Violation Events																
Number of Violation Events	1	Number of violation days 24														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$100
daily																
weekly																
monthly																
quarterly																
semiannual																
annual																
single event	x															
	One single event is recommended.															
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	\$100														
Economic Benefit (EB) for this violation																
Estimated EB Amount	\$198	Statutory Limit Test														
	Violation Final Penalty Total	\$100														
	This violation Final Assessed Penalty (adjusted for limits) \$100															

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
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
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	\$5,000	16-Jun-2009	1-Apr-2010	0.79	\$198	n/a	\$198
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 estimated amount to submit proper notification to the agency and obtain an approval for the modifications made to the Facility, 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				0.00	\$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 **TOTAL**
\$5,000 \$198

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW	
Respondent Texas Parks and Wildlife Department		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37924		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101255545			
Media [Statute] Public Water Supply			
Enf. Coordinator Yuliya Dunaway			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(J)		
Violation Description	Failed to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot around the wellhead. Specifically, at the time of the investigation, it was documented that the concrete sealing block extends only 14 inches from the well casing on one side.		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
	Percent		<input type="text" value="10%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percent		<input type="text" value="0%"/>
Matrix Notes	Failure to have a proper sealing block surrounding the well could allow a significant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.		
	Adjustment	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="24"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	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"/>	
	Violation Base Penalty		<input type="text" value="\$100"/>
	One quarterly event is recommended from the date of the investigation, June 18, 2009, to the date of screening, July 10, 2009.		
Good Faith Efforts to Comply			
	0.0% Reduction	<input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/Saltwater Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation			
	Estimated EB Amount	<input type="text" value="\$25"/>	Violation Final Penalty Total
			<input type="text" value="\$100"/>
	Statutory Limit Test		
	This violation Final Assessed Penalty (adjusted for limits)		
			<input type="text" value="\$100"/>

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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	\$500	16-Jun-2009	1-Mar-2010	0.71	\$1	\$24	\$25
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 estimated amount to extend a concrete sealing block surrounding the water well, 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				0.00	\$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 \$500 TOTAL \$25

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW		
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37924	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101255545				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number <input type="text" value="7"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(N)			
Violation Description	Failed to provide a flow measuring device for the Facility's water well. Specifically, at the time of the investigation it was documented that the well did not have a flow measuring device.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="5%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to provide a flow measuring device for the Facility's well will not allow the operator to make necessary production and usage calculations thereby exposing the water supply to an insignificant amount of contaminants that do not exceed levels protective of human health.			
			Adjustment	<input type="text" value="\$950"/>
				<input type="text" value="\$50"/>
Violation Events				
		<input type="text" value="1"/>	<input type="text" value="24"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	<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	<input checked="" type="checkbox"/>		
One single event is recommended.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	<input type="text" value="\$0"/>	
		Before NOV	NOV to EDRP/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)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal	<input type="text" value="\$50"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$13"/>	Violation Final Penalty Total	<input type="text" value="\$50"/>	
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$50"/>

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$240	16-Jun-2009	1-Apr-2010	0.79	\$1	\$13	\$13
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 estimated amount to install a flow measuring device at the Facility's well, 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				0.00	\$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 TOTAL
\$240 \$13

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW	
Respondent Texas Parks and Wildlife Department	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37924	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101255545			
Media [Statute] Public Water Supply			
Enf. Coordinator Yuliya Dunaway			
Violation Number <input type="text" value="8"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(3)		
Violation Description	Failed to provide an overflow for the Facility's storage tank with the discharge opening above the surface of the ground and not subject to submergence. Specifically, at the time of the investigation, it was documented that the discharge opening of the overflow terminates below the surface of the ground to an unknown depth.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> 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"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Percent			<input type="text" value="5%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/> <input type="text"/> <input type="text"/>			
Percent			<input type="text" value="0%"/>
Matrix Notes	Failing to provide a proper discharge opening of the overflow on the ground storage tank could expose the water source to an insignificant level of contaminants which would not exceed protective levels.		
Adjustment			<input type="text" value="\$950"/>
			<input type="text" value="\$50"/>
Violation Events			
		<input type="text" value="1"/>	<input type="text" value="24"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <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	<input checked="" type="checkbox"/>	
One single event is recommended.			
Good Faith Efforts to Comply			
		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>		
Ordinary	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$50"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$22"/>	Violation Final Penalty Total <input type="text" value="\$50"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$50"/>

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$400	16-Jun-2009	1-Apr-2010	0.79	\$1	\$21	\$22
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 estimated amount to properly install the ground storage tank overflow pipe, 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				0.00	\$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

\$400

TOTAL

\$22

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW
Respondent Texas Parks and Wildlife Department	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37924	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101255545		
Media [Statute] Public Water Supply		
Enf. Coordinator Yulya Dunaway		
Violation Number 9		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)	
Violation Description	Failed to keep on file and make available for Commission review water system records. Specifically, at the time of the investigation, it was documented that Facility personnel failed to provide the following records from a list of records that was requested to be available for review: sanitary control easement for the well, plant operations manual, and chemical and microbiological monitoring plan.	
Base Penalty		\$1,000
>> Environmental, Property and Human Health Matrix		
Harm		
OR	Release	Major Moderate Minor
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
Percent		0%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="text"/>	<input type="text"/> <input type="text"/> <input checked="" type="text"/>
Percent		1%
Matrix Notes	Less than 30% of the rule requirements were not met.	
Adjustment		\$990
		\$10
Violation Events		
Number of Violation Events	1	Number of violation days
	24	
<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="text"/>
Violation Base Penalty		\$10
One single event is recommended.		
Good Faith Efforts to Comply		
0.0% Reduction		\$0
Before NOV NOV to EDP/PP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
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		
Estimated EB Amount	\$5	Statutory Limit Test
Violation Final Penalty Total		\$10
This violation Final Assessed Penalty (adjusted for limits)		\$50

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 9

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	\$150	16-Jun-2009	1-Mar-2010	0.71	\$5	n/a	\$5
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 estimated amount to keep on file and make all water system records available for review (\$50 per record), 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				0.00	\$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 **TOTAL**
\$5

Screening Date 10-Jul-2009	Docket No. 2009-1065-PWS-E	PCW		
Respondent Texas Parks and Wildlife Department		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37924		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101255545				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number <input type="text" value="10"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.43(d)(9)			
Violation Description	Failed to ensure that there are no more than three pressure tanks installed at any one site without prior approval of the Executive Director. Specifically, at the time of the investigation, it was documented that there were four pressure tanks installed at the Facility.			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
			Percent	<input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent	<input type="text" value="0%"/>
Matrix Notes	Installing more than three pressure tanks in one location could cause unstable pressure and loss of tank integrity. As a result, the public could be exposed to a significant amount of contaminants that do not exceed levels protective of human health.			
	Adjustment	<input type="text" value="\$900"/>		
		<input type="text" value="\$100"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="24"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>
	weekly	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
	single event	<input type="text"/>	<input type="text"/>	
	One quarterly event is recommended from the date of the investigation, June 16, 2009, to the date of screening, July 10, 2009.			
Good Faith Efforts to Comply				
	<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	<input type="text" value="\$100"/>		
Economic Benefit (EB) for this violation				
	Estimated EB Amount	<input type="text" value="\$0"/>		
Statutory Limit Test				
	Violation Final Penalty Total	<input type="text" value="\$100"/>		
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$100"/>			

Economic Benefit Worksheet

Respondent Texas Parks and Wildlife Department
Case ID No. 37924
Reg. Ent. Reference No. RN101255545
Media Public Water Supply
Violation No. 1D

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

Estimated costs for this violation included in violation no. 5.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600134852	Texas Parks and Wildlife Department	Classification: AVERAGE	Rating: 2.32
Regulated Entity:	RN101255545	TPWD TEXAS GAME WARDEN TRAINING CENTER	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0970013
Location:	4363 FM 1047, HAMILTON COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 10, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 10, 2004 to July 10, 2009			

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

Name: Yuliya Dunaway Phone: 210-403-4077

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | <u>N/A</u> |
| 5. When did the change(s) in owner or operator occur? | <u>N/A</u> |
| 6. | |

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 06/26/2009 (746397)
- 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
TEXAS PARKS AND WILDLIFE
DEPARTMENT
RN101255545

§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1065-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 Texas Parks and Wildlife Department ("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 at 4363 Farm-to-Market Road 1047, Hamilton County, Texas (the "Facility") that has approximately 12 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 June 30, 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 Three Thousand Two Hundred Fifty Dollars (\$3,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Dollars (\$2,600) of the administrative penalty and Six Hundred Fifty Dollars (\$650) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to collect routine distribution water samples for coliform analysis for the months of September 2008 through May 2009, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d), as documented during an investigation conducted on June 16, 2009.
2. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), as documented during an investigation conducted on June 16, 2009.
3. Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on June 16, 2009.
4. Failed to provide all the Facility's pressure tanks with an easily readable pressure gauge, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2), as documented during an investigation conducted on June 16, 2009.
5. Failed to notify and obtain approval from the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j), as documented during an investigation conducted on June 16, 2009.
6. Failed to provide a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25

- inch per foot around the wellhead, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on June 16, 2009.
7. Failed to provide a flow measuring device for the Facility's water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on June 16, 2009.
 8. Failed to provide an overflow for the Facility's storage tank with the discharge opening above the surface of the ground and not subject to submergence, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on June 16, 2009.
 9. Failed to keep on file and make available for Commission review water system records, in violation of 30 TEX. ADMIN. CODE § 290.46(f), as documented during an investigation conducted on June 16, 2009.
 10. Failed to ensure that there are no more than three pressure tanks installed at any one site without prior approval of the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(9), as documented during an investigation conducted on June 16, 2009.

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: Texas Parks and Wildlife Department, Docket No. 2009-1065-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, commence operating the Facility's chlorination equipment to maintain a free chlorine residual of 0.2 mg/L in the far reaches of the distribution system, as required by 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 10 days after the effective date of this Agreed Order;

- i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, as required by 30 TEX. ADMIN. CODE § 290.109.

This provision will be satisfied upon six months of compliance monitoring and reporting.
- ii. Begin monitoring the disinfectant residual at representative locations within the distribution system at least once every seven days, as required by 30 TEX. ADMIN. CODE § 290.110.
- c. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.g, that demonstrates compliance with Ordering Provision Nos. 2.a and 2.b.
- d. Within 120 days after the effective date of this Agreed Order:
 - i. Provide all the Facility's pressure tanks with an operable pressure gauge, as required by 30 TEX. ADMIN. CODE § 290.43;
 - ii. Provide the water well with a concrete sealing block extending at least three feet from the well casing in all directions, as required by 30 TEX. ADMIN. CODE § 290.41;
 - iii. Begin properly maintaining records of water works operation and maintenance activities and operating records of the Facility, including but not limited to a copy of the sanitary control easement, the plant operations manual and the chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iv. Install a flow measuring device on the Facility's water well, as required by 30 TEX. ADMIN. CODE § 290.41; and
 - v. Ensure the discharge opening of the overflow pipe of the ground storage tank is not terminanted below the surface and not subject to submergence, as required by 30 TEX. ADMIN. CODE § 290.43.
- e. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.g, that demonstrates compliance with Ordering Provision No. 2.d.
- f. Within 180 days after the effective date of this Agreed Order, submit proper notification and obtain an approval from the Executive Director for the modifications made to the distribution and pressure maintenance facilities, as required by 30 TEX. ADMIN. CODE § 290.39. The plans and specifications should be submitted to:

Water Supply Division
Utility Creation & Plan Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- g. Within 195 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.f. 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 fines 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 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.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallier
For the Executive Director

12/11/2009
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.

Peter P. Flores
Signature

10/5/09
Date

Peter P. Flores
Name (Printed or typed)
Authorized Representative of
Texas Parks and Wildlife Department

Colonel
Title law enforcement Division
Director

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.

