

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1172-PWS-E **TCEQ ID:** RN102974839 **CASE NO.:** 38017
RESPONDENT NAME: The Texas A&M University System

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: Texas A & M Utilities, 2961 Luza Lane, Brazos County, Brazos 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 28, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Nathan G. Jones, Manager, Waste & Environmental Services, The Texas A&M University System, 1584 TAMU, College Station, Texas 77843 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: May 13, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 16, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(E)(iv)].</p> <p>2) Failure to ensure that livestock in pastures are not allowed within 50 feet of a water supply well [30 TEX. ADMIN. CODE § 290.41(c)(1)(D) and TEX. HEALTH & SAFETY CODE § 341.036(d)].</p> <p>3) Failure to provide an intruder-resistant fence or lockable building to protect the Facility's wells [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>4) Failure to provide a concrete sealing block that extends at least three feet in all directions from the well casing [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>5) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>6) Failure to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p>	<p>Total Assessed: \$5,355</p> <p>Total Deferred: \$1,071 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$4,284</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 checked="" type="checkbox"/> Yes <input 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. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining properly completed monthly water works operation and maintenance records, including but not limited to the following: sanitary control records for Well Nos. 3, 5, 6, and 8; customer service inspection reports; flushing records for 2009; and backflow prevention device reports for the Laboratory Animal Care Building No. 972, the Veterinary Medicine Large Animal Hospital Building No. 1194, the Veterinary Surgical Building No. 1192, the Veterinary Medical Science Building No. 507, the Poultry Disease Laboratory Building No. 1040, the Rosenthal Meat Center Building No. 1503, and the Graduate Chemistry Building No. 484, and make them available at the time of Commission inspections; and</p> <p>ii. Provide a 16-mesh or finer corrosion-resistant screen on the tops of the cooling towers, replace the screens that have holes and repair or replace the damaged section of the aerator to ensure there are no openings to the atmosphere unless the opening is properly screened.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Prevent livestock from coming within 50 feet of the well;</p> <p>ii. Repair the fences at Well Nos. 2, 4, and 7, and at the main plant so that they are rendered intruder-resistant; and</p> <p>iii. Initiate good housekeeping practices,</p>

<p>7) Failure to provide aerators and all other such openings with a 16-mesh or finer corrosion-resistant screen [30 TEX. ADMIN. CODE § 290.42(b)(2)(C)].</p>		<p>including but not limited to the following: remove all overgrown vegetation at the Facility.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Properly house the chlorine cylinders so that they are protected from adverse weather conditions and vandalism; and</p> <p>ii. Provide Well No. 7 with a concrete sealing block that extends at least three feet in all directions from the well casing.</p> <p>f. Within 105 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 e.</p>
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Additional ID No(s): 0210017



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ			
DATES	Assigned	20-Jul-2009	
	PCW	23-Jul-2009	
	Screening	23-Jul-2009	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	The Texas A&M University System		
Reg. Ent. Ref. No.	RN102974839		
Facility/Site Region	9-Waco	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38017	No. of Violations	7
Docket No.	2009-1172-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Eplfanio Villarreal
		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 \$5,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5.0% Enhancement Subtotals 2, 3, & 7 \$255

Notes: The penalty enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$267
Approx. Cost of Compliance \$4,130
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$5,355

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$5,355

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,355

DEFERRAL 20.0% Reduction Adjustment -\$1,071

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$4,284

Screening Date 23-Jul-2009

Docket No. 2009-1172-PWS-E

PCW

Respondent The Texas A&M University System

Policy Revision 2 (September 2002)

Case ID No. 38017

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102974839

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action.

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

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW		
Respondent The Texas A&M University System		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38017		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102974839				
Media [Statute] Public Water Supply				
Enf. Coordinator Epifanio Villarreal				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(E)(iv)			
Violation Description	Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not available for review: sanitary control records for Well Nos. 3, 5, 6, and 8; customer service inspection reports; flushing records for 2009; and backflow prevention device reports for the Laboratory Animal Care Building No. 972, the Veterinary Medicine Large Animal Hospital Building No. 1194, the Veterinary Surgical Building No. 1192, the Veterinary Medical Science Building No. 507, the Poultry Disease Laboratory Building No. 1040, the Rosenthal Meat Center Building No. 1503, and the Graduate Chemistry Building No. 484.			
	Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	x	<input type="text"/>
		Percent	10%	
Matrix Notes	30 to 70% of the rule requirement was not met.			
	Adjustment	\$900		
		Adjustment	\$100	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		71		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
		Violation Base Penalty	\$100	
	One single event is recommended.			
Good Faith Efforts to Comply				
	0.0% Reduction	\$0		
	Before NOV	NOV to EDPRP/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	\$100		
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$4	Violation Final Penalty Total	
			\$105	
	This violation Final Assessed Penalty (adjusted for limits)			
			\$105	

Economic Benefit Worksheet

Respondent: The Texas A&M University System
Case ID No.: 38017
Reg. Ent. Reference No.: RN102974839
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	13-May-2009	1-Mar-2010	0.80	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly maintain records, 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
Personal				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW	
Respondent The Texas A&M University System	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38017	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102974839			
Media [Statute] Public Water Supply			
Enf. Coordinator Epifanio Villarreal			
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(D) and Tex. Health & Safety Code § 341.036(d)		
Violation Description	Failed to ensure that livestock in pastures are not allowed within 50 feet of a water supply well. Specifically, at the time of the investigation, it was documented that the fence protecting Well No. 4 extends up to 18 feet 4 inches from the well and the fence protecting Well No. 5 extends up to 21 feet from the well. Cattle were observed outside the fence at both locations at the time of the investigation.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent			0%
Matrix Notes	Failure to keep livestock at least 50 feet from the well could expose the Facility's source water to a significant amount of pollutants which would not exceed levels that are protective of human health.		
Adjustment		\$750	
		\$250	
Violation Events			
Number of Violation Events		2	
		71	Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
		single event	<input type="checkbox"/>
Violation Base Penalty			\$500
Two quarterly events are recommended (one event per well), from the date of the investigation, May 13, 2009, to the date of screening, July 23, 2009.			
Good Faith Efforts to Comply			
		0.0%	Reduction
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$500
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$39	
Violation Final Penalty Total			\$525
This violation Final Assessed Penalty (adjusted for limits)			\$525

Economic Benefit Worksheet

Respondent The Texas A&M University System
Case ID No. 38017
Reg. Ent. Reference No. RN102974839
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)	\$630	13-May-2009	1-Apr-2010	0.86	\$2	\$37	\$39
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 actual amount to repair the fence to prevent livestock from roaming within 50 feet of the wells, 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

\$630

TOTAL

\$39

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW																		
Respondent The Texas A&M University System	<small>Policy Revision 2 (September 2002)</small>																			
Case ID No. 38017	<small>PCW Revision October 30, 2008</small>																			
Reg. Ent. Reference No. RN102974839																				
Media [Statute] Public Water Supply																				
Enf. Coordinator Epifanio Villarreal																				
Violation Number	3																			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(O)																			
Violation Description	Failed to provide an intruder-resistant fence or lockable building to protect the Facility's wells. Specifically, at the time of the investigation, it was documented that the fence at the main plant, Well No. 2, and Well No. 4 were not six feet or greater in height at certain locations. In addition, it was documented that the fence at the main plant and Well No. 7 had broken strands of barbed wire.																			
Base Penalty	\$1,000																			
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent 25%</td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 25%	Potential		x	
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent 25%																
Potential		x																		
>> Programmatic Matrix																				
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	Falsification	Major	Moderate	Minor																
					Percent 0%															
Matrix Notes	Failure to provide the well with an intruder-resistant fence could lead to unauthorized access and vandalism, which could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.																			
Adjustment	\$750																			
	\$250																			
Violation Events																				
	Number of Violation Events	4																		
		71																		
		Number of violation days																		
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <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 style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$1,000				
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Good Faith Efforts to Comply																				
	0.0% Reduction	\$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 for this violation.																			
Violation Subtotal	\$1,000																			
Economic Benefit (EB) for this violation																				
Estimated EB Amount	\$31																			
Statutory Limit Test																				
Violation Final Penalty Total	\$1,050																			
This violation Final Assessed Penalty (adjusted for limits)	\$1,050																			

Economic Benefit Worksheet

Respondent The Texas A&M University System
Case ID No. 38017
Reg. Ent. Reference No. RN102974839
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	13-May-2009	1-Apr-2010	0.88	\$1	\$29	\$31
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 repair the fences and render them intruder-resistant, 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

\$31

Screening Date 23-Jul-2009 **Docket No.** 2009-1172-PWS-E **PCW**
Respondent The Texas A&M University System *Policy Revision 2 (September 2002)*
Case ID No. 38017 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102974839
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)
Violation Description Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing. Specifically, at the time of the investigation, it was noted that Well No. 7 does not have a concrete sealing block.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				50%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to provide an adequate concrete sealing block could allow contaminants to enter the well and expose the Facility's source water to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$500
\$500

Violation Events

Number of Violation Events: 3 Number of violation days: 71

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Three monthly events are recommended, from the date of the investigation, May 13, 2009, to the date of screening, July 23, 2009.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34 Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,675

Economic Benefit Worksheet

Respondent: The Texas A&M University System
Case ID No.: 38017
Reg. Ent. Reference No.: RN102974839
Media: Public Water Supply
Violation No.: 4

Percent Interest:	Years of Depreciation:
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	13-May-2009	1-May-2010	0.97	\$2	\$32	\$34
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a concrete sealing block for Well No. 7, 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

\$34

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW		
Respondent: The Texas A&M University System		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38017		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102974839				
Media [Statute] Public Water Supply				
Enf. Coordinator: Epifanio Villarreal				
Violation Number	<input type="text" value="5"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(m)"/>			
Violation Description	<input type="text" value="Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that brush and vegetation were overgrown 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="checkbox"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose customers of the Facility to a significant amount of contaminants which would not 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="71"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			Violation Base Penalty	<input type="text" value="\$250"/>
<input type="text" value="One quarterly event is recommended, from the date of the investigation, May 13, 2009, to the date of screening, July 23, 2009."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0% Reduction"/>	<input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
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="\$19"/>	Violation Final Penalty Total	
			<input type="text" value="\$263"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$263"/>	

Economic Benefit Worksheet

Respondent The Texas A&M University System
Case ID No. 38017
Reg. Ent. Reference No. RN102974839
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	19-May-2009	1-Apr-2010	0.88	\$1	\$18	\$19
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 inflate maintenance and good housekeeping practices at 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$19

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW		
Respondent The Texas A&M University System	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 38017	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN102974839				
Media [Statute] Public Water Supply				
Enf. Coordinator Epifanio Villarreal				
Violation Number <input type="text" value="6"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(B)			
Violation Description	Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, at the time of the investigation, it was documented that gas full chlorine cylinders are being stored outside the building at the main plant with no protection from weather conditions and vandalism.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
GR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	<input type="text" value="50%"/>	
>> Programmatic Matrix				
	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Failure to properly house the chlorine cylinders may allow persons or adverse weather conditions to damage or vandalize the cylinders exposing Facility employees to significant amounts of contaminants which would exceed levels that are protective of human health.			
Adjustment		<input type="text" value="\$500"/>		
		<input type="text" value="\$500"/>		
Violation Events				
Number of Violation Events <input type="text" value="3"/>		Number of violation days <input type="text" value="71"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,500"/>	
	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"/>		
Three monthly events are recommended, from the date of the investigation, May 13, 2009, to the date of screening, July 23, 2009.				
Good Faith Efforts to Comply		0.0% Reduction	<input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input 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="\$1,500"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$135"/>		Violation Final Penalty Total <input type="text" value="\$1,675"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,575"/>		

Economic Benefit Worksheet

Respondent The Texas A&M University System

Case ID No. 38017

Reg. Ent. Reference No. RN102974839

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	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				0.00	\$0	\$0	\$0
Buildings	\$2,000	13-May-2009	1-May-2010	0.97	\$6	\$129	\$135
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to properly house the chlorine cylinders, 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				0.00	\$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

\$2,000

TOTAL

\$135

Screening Date 23-Jul-2009	Docket No. 2009-1172-PWS-E	PCW		
Respondent The Texas A&M University System	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 38017	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102974839				
Media [Statute] Public Water Supply				
Enf. Coordinator Epifanio Villarreal				
Violation Number <input type="text" value="7"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(b)(2)(C)			
Violation Description	Failed to provide aerators and all other such openings with a 16-mesh or finer corrosion-resistant screen. Specifically, at the time of the investigation, it was documented that one of the cooling tower screens has a hole and the tops of all the cooling towers were not screened with a 16-mesh or finer or finer corrosion screen. In addition, the aerator has a damaged section which allows the intake of air without screening.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	x	<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	Failing to screen the fan openings on the cooling towers could expose employees and customers of the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.			
Adjustment			<input type="text" value="\$750"/>	
			<input type="text" value="\$250"/>	
Violation Events				
<input type="text" value="1"/>		<input type="text" value="71"/>		
		Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended, from the date of the investigation, May 13, 2009, to the date of screening, July 23, 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	x	(mark with x)		
Notes	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				
Estimated EB Amount		<input type="text" value="\$61"/>	Statutory Limit Test	
Violation Final Penalty Total			<input type="text" value="\$263"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$263"/>	

Economic Benefit Worksheet

Respondent The Texas A&M University System

Case ID No. 38017

Reg. Ent. Reference No. RN102974839

Media Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$100	13-May-2009	1-Mar-2010	0.80	\$0	\$5	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide the cooling towers and aerator with screens, calculated from the date of the 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601634462 The Texas A&M University System	Classification: AVERAGE	Rating: 2.80
Regulated Entity:	RN102974839 TEXAS A & M UTILITIES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0210017
Location:	2981 LUZA LANE, BRAZOS COUNTY, TX		
TCEQ Region:	REGION 9-WACO		
Date Compliance History Prepared:	July 23, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 23, 2004 to July 23, 2009		

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

Name: Epi Villarreal Phone: 361-825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period?	Yes
3. If Yes, who is the current owner/operator?	<u>The Texas A&M University System</u>
4. If Yes, who was/were the prior owner(s)/operator(s) ?	<u>Texas A&M University</u>
5. When did the change(s) in owner or operator occur?	<u>03/04/2009</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.)

- 1 10/02/2007 (566300)
- 2 11/28/2007 (600296)
- 3 02/06/2008 (614886)
- 4 07/13/2009 (745302)

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

Date: 11/29/2007 (600296)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect the well and ground storage tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)

Description: Failure to properly screen the air release device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain the water treatment units in a watertight condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)

Description: Failure to locate the well site for a public drinking water system at least 50 feet

from livestock.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to provide an intruder-resistant fence in order to protect the well.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to provide a plant operations manual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate the flow measuring devices.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(l)		
Description:	Failure to provide an adequate well capacity.		

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
THE TEXAS A&M UNIVERSITY
SYSTEM
RN102974839**

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

AGREED ORDER DOCKET NO. 2009-1172-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 The Texas A&M University System ("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 2961 Luza Lane, Brazos County, Texas (the "Facility") that has approximately 171 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 July 21, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Five Thousand Three Hundred Fifty-Five Dollars (\$5,355) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Two Hundred Eighty-Four Dollars (\$4,284) of the administrative penalty and One Thousand Seventy-One Dollars (\$1,071) 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 provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(E)(iv), as documented during an investigation conducted on May 13, 2009.
2. Failed to ensure that livestock in pastures are not allowed within 50 feet of a water supply well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D) and TEX. HEALTH & SAFETY CODE § 341.036(d), as documented during an investigation conducted on May 13, 2009.
3. Failed to provide an intruder-resistant fence or lockable building to protect the Facility's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on May 13, 2009.
4. Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), as documented during an investigation conducted on May 13, 2009.
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on May 13, 2009.

6. Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted on May 13, 2009.
7. Failed to provide aerators and all other such openings with a 16-mesh or finer corrosion-resistant screen, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(2)(C), as documented during an investigation conducted on May 13, 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: The Texas A&M University System, Docket No. 2009-1172-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. Within 30 days after the effective date of this Agreed Order:
 - i. Begin maintaining properly completed monthly water works operation and maintenance records, including but not limited to the following: sanitary control records for Well Nos. 3, 5, 6, and 8; customer service inspection reports; flushing records for 2009; and backflow prevention device reports for the Laboratory Animal Care Building No. 972, the Veterinary Medicine Large Animal Hospital Building No. 1194, the Veterinary Surgical Building No. 1192, the Veterinary Medical Science Building No. 507, the Poultry Disease Laboratory Building No. 1040, the Rosenthal Meat Center Building No. 1503, and the Graduate Chemistry Building No. 484, and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Provide a 16-mesh or finer corrosion-resistant screen on the tops of the cooling towers, replace the screens that have holes and repair or replace the damaged section of the aerator to ensure there are no openings to the atmosphere unless the opening is properly screened, in accordance with 30 TEX. ADMIN. CODE § 290.42.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Prevent livestock from coming within 50 feet of the well, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - ii. Repair the fences at Well Nos. 2, 4, 7, and at the main plant so that they are rendered intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Initiate good housekeeping practices, including but not limited to the following: remove all overgrown vegetation at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
 - i. Properly house the chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Provide Well No. 7 with a concrete sealing block that extends at least three feet in all directions from the well casing, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- f. Within 105 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 2.e. 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:

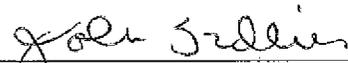
Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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



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.



Signature

10/21/09

Date

Nathan G. Jones

Name (Printed or typed)
Authorized Representative of
The Texas A&M University System

Manager, Water & Environmental Services

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.