

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1927-PWS-E **TCEQ ID:** RN101271401 **CASE NO.:** 31668

RESPONDENT NAME: Hilco United Services, Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Live Oak Water System, located 500 feet west of the intersection of Farm-to-Market Road 2604 and Farm-to-Market Road 933, Hill 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 March 29, 2010. 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. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Debra A. Cole, Board President/Registered Agent, Hilco United Services, Inc., P.O. Box 127, Itasca, Texas 76055 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: October 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: November 25, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>2) Failure to collect distribution coliform samples at locations specified in the Facility's chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.109(c)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide an up-to-date distribution map so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>4) Failure to locate the Facility's well at least 150 feet from the septic tank perforated drainfield [30 TEX. ADMIN. CODE § 290.41(c)(1)(A)].</p> <p>5) Failure to terminate the well blow-off line in a downward direction and at a point which will not be submerged by flood waters [30 TEX. ADMIN. CODE § 290.41(c)(3)(L)].</p> <p>6) Failure to secure a sanitary control easement covering all property within 150 feet of the Facility's water well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1985-PWS-E, Ordering Provision No. 2.a.ii].</p>	<p>Total Assessed: \$2,300</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,300</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of October 15, 2009:</p> <p>a. Provided a complete copy of a TCEQ Plan Approval letter dated April 6, 2007 indicating approval for proposed changes to the Facility; and</p> <p>b. Installed the well blow-off line so that it terminates in a downward direction.</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, begin complying with applicable coliform monitoring requirements by ensuring that all routine distribution coliform samples are collected at locations specified in the Facility's monitoring plan and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring;</p> <p>b. Within 60 days after the effective date of this Agreed Order, develop and begin maintaining an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision b;</p> <p>d. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39;</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate</p>

		<p>compliance with Ordering Provision d;</p> <p>f. Within 180 days after the effective date of this Agreed Order, relocate the septic system drainfield to a site that is a minimum of 150 feet from the Facility's well or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39; 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 Provisions a and f.</p>
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Additional ID No(s): PWS ID No. 1090037



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Nov-2009	Screening	30-Nov-2009	EPA Due	1-Aug-2010
	PCW	25-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Hilco United Services, inc.
Reg. Ent. Ref. No.	RN101271401
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	31668	No. of Violations	6
Docket No.	2009-1927-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yullya 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* **\$1,860**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25.0% Enhancement *Subtotals 2, 3, & 7* **\$465**

Notes: The penalty enhancement is due to one prior NOV for violations that are the same as or similar to violations in the current enforcement action and one agreed final enforcement order containing a denial of liability.

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* **\$64**

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

Total EB Amounts \$1,792
Approx. Cost of Compliance \$20,860
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$2,261**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$2,261**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$2,300**

DEFERRAL 0.0% Reduction Adjustment **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$2,300**

Screening Date 30-Nov-2009

Docket No. 2009-1927-PWS-E

PCW

Respondent Hilco United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31688

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101271401

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 (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)	1	20%
	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) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior NOV for violations that are the same as or similar to violations in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date: 30-Nov-2009

Docket No.: 2009-1927-PWS-E

PCW

Respondent: Hilco United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 31668

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101271401

Media [Statute]: Public Water Supply

Enf. Coordinator: Yuliya Dunaway

Violation Number: 1

Rule Cite(s):

30 Tex. Admin. Code § 290.46(f)(2)

Violation Description:

Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide adequate documentation showing approval for significant changes to the Facility.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent: 1%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment: \$990

\$10

Violation Events

Number of Violation Events: 1

55 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$10

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2

	Before NOV	NOV to EDPRI/Sellment Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent achieved compliance as of October 15, 2009.

Violation Subtotal: \$8

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$11

This violation Final Assessed Penalty (adjusted for limits): \$60

Economic Benefit Worksheet

Respondent: Hilco United Services, Inc.
Case ID No.: 31668
Reg. Ent. Reference No.: RN101271401
Media: Public Water Supply
Violation No.: 1

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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	6-Oct-2009	15-Oct-2009	0.02	\$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 keep on file and make all Facility records available for review, calculated from the date of the investigation to the 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

\$50

TOTAL:

\$0

Screening Date: 30-Nov-2009

Docket No.: 2009-1927-PWS-E

PCW

Respondent: Hilco United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 31688

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101271401

Media [Statute]: Public Water Supply

Enf. Coordinator: Yullya Dunaway

Violation Number: 2

Rule Cite(s):

30 Tex. Admin. Code § 290.109(c)(1)(B) and Tex. Health & Safety Code § 341.0315(c)

Violation Description:

Failed to collect distribution coliform samples at locations specified in the Facility's chemical and microbiological monitoring plan. Specifically, at the time of the investigation, it was documented that all coliform samples were collected at a single site in the distribution system instead of being collected at various locations specified in the Facility's monitoring plan.

Base Penalty: \$1,000

>> Environmental Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failure to properly collect distribution coliform samples at locations specified in the monitoring plan could expose customers to a significant amount of undetected contaminants which would not exceed levels that are protective of human health.

Adjustment: \$750

\$250

Violation Events

Number of Violation Events: 1

55 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$250

One quarterly event is recommended from the date of the investigation, October 6, 2009, to the date of screening, November 30, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal: \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$7

Violation Final Penalty Total: \$313

This violation Final Assessed Penalty (adjusted for limits): \$313

Economic Benefit Worksheet

Respondent Hilco United Services, Inc.

Case ID No. 31868

Reg. Ent. Reference No. RN101271401

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$100	8-Oct-2009	1-Oct-2010	0.99	\$0	\$7	\$7
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 properly monitor for microbiological contaminants at locations specified in the Facility's monitoring plan, calculated from the date of the investigation to the estimated day of compliance.

Avoided Costs

ANNUALIZE 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

\$7

Screening Date 30-Nov-2009

Docket No: 2008-1927-PWS-E

PCW

Respondent Hico United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31668

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101271401

Media (Statute) Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(2)

Violation Description

Failed to provide an up-to-date distribution map so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, the most current distribution system map was dated 1986 and did not reflect changes to the placement of gate valves, flush valves, installation of additional water lines and other pertinent information.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

55 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent: Hilco United Services, Inc.

Case ID No: 31668

Reg. Ent. Reference No: RN101271401

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

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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	6-Oct-2009	1-Sep-2010	0.90	\$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 compile and maintain an up-to-date distribution map, 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

\$100

TOTAL

\$5

Screening Date: 30-Nov-2009

Docket No.: 2009-1927-PWS-E

PCW

Respondent: Hilco United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 31668

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101271401

Media [Statute]: Public Water Supply

Enf. Coordinator: Yuliya Dunaway

Violation Number: 4

Rule Cite(s):

30 Tex. Admin. Code § 290.41(c)(1)(A)

Violation Description:

Failed to locate the Facility's well at least 150 feet from the septic tank perforated drainfield. Specifically, at the time of the investigation, it was documented that the well was located approximately 120 feet from a septic tank perforated drainfield.

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 locate the well at least 150 feet from a septic tank perforated drainfield could result in the contamination of the water supply and/or exposure of customers to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment: \$500

\$500

Violation Events

Number of Violation Events: 2 Number of violation days: 55

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$1,000

Two monthly events are recommended from the date of the investigation, October 6, 2009, to the date of screening, November 30, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$1,734

Violation Final Penalty Total: \$1,250

This violation Final Assessed Penalty (adjusted for limits): \$1,250

Economic Benefit Worksheet

Respondent Hilco United Services, Inc.
Case ID No. 31668
Reg. Ent. Reference No. RN101271401
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

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)				0.00	\$0	\$0	\$0
Engineering/construction	\$20,000	6-Oct-2009	1-Jan-2011	1.24	\$83	\$1,651	\$1,734
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 ensure that the well is located at least 150 feet away from a septic tank, 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

\$20,000

TOTAL

\$1,734

Screening Date: 30-Nov-2009

Docket No: 2009-1927-PWS-E

PCW

Respondent: Hilco United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 31868

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101271401

Media [Statute]: Public Water Supply

Enf. Coordinator: Yuliya Dunaway

Violation Number: 5

Rule Cite(s):

30 Tex. Admin. Code § 290.41(c)(3)(L)

Violation Description:

Failed to terminate the well blow-off line in a downward direction and at a point which will not be submerged by flood waters.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failure to properly terminate the well blow-off line could result in contamination of the well water thereby exposing customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment: \$750

\$250

Violation Events

Number of Violation Events: 1

55 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$250

One quarterly event is recommended from the date of the investigation, October 6, 2009, to the date of compliance.

Good Faith Efforts to Comply

25.0% Reduction

\$62

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent achieved compliance as of October 15, 2009.

Violation Subtotal: \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$1

Violation Final Penalty Total: \$251

This violation Final Assessed Penalty (adjusted for limits): \$251

Economic Benefit Worksheet

Respondent: Hilco United Services, Inc.
Case ID No.: 31668
Reg. Ent. Reference No.: RN101271401
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
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)				0.00	\$0	\$0	\$0
Engineering/construction	\$300	6-Oct-2009	15-Oct-2009	0.02	\$0	\$0	\$1
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 properly terminate the blow-off line on the Facility's well, calculated from the date of the investigation to the 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

\$1

Screening Date: 30-Nov-2009

Docket No.: 2008-1927-PWS-E

PCW

Respondent: Hilco-United Services, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 31668

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101271401

Media (Statute): Public Water Supply

Enf. Coordinator: Yuliya Dunaway

Violation Number: 6

Rule Cite(s): 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1985-PWS-E, Ordering Provision No. 2.a.ii.

Violation Description: Failed to secure a sanitary control easement covering all property within 150 feet of the Facility's water well.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment: \$900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 830

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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		
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

Statutory Limit Test

Estimated EB Amount: \$47

Violation Final Penalty Total: \$125

This violation Final Assessed Penalty (adjusted for limits): \$125

Economic Benefit Worksheet

Respondent: Hlco United Services, Inc.

Case ID No.: 31688

Reg. Ent. Reference No.: RN101271401

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
------------------	-----------	---------------	------------	------	----------------	---------------	-----------

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	\$300	23-Aug-2007	1-Oct-2010	3.11	\$47	n/a	\$47
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 secure a sanitary control easement and file the easement in the county courthouse, calculated from the effective date of TCEQ Agreed Order Docket No. 2006-1985-PWS-E 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

\$300

TOTAL

\$47

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601499528 Hilco United Services, Inc.	Classification:	Rating:
Regulated Entity:	RN101271401 LIVE OAK WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1090037
Location:	500 FT W OF FM 2604 AND FM 933, HILL COUNTY, TX		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	November 24, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 24, 2004 to November 24, 2009		

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

Name: Yullya 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? Yes
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? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
- 6.

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- | | |
|---|----------------------------|
| Effective Date: 08/23/2007 | ADMINORDER 2006-1985-PWS-E |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | |
| Description: Failure to provide a sanitary easement at the time of this investigation. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(l) | |
| Description: Failure to keep a plant operations manual. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.43(c) | |
| 30 TAC Chapter 290, SubChapter D 290.43(c)(2) | |
| Description: Failure to insure that the vertical and horizontal ground storage tanks and the pressure tank meet current AWWA standards. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii) | |
| Description: Failure to provide adequate total storage capacity. | |

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. (CEEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 04/06/2005 | (351043) |
| 2 | 07/18/2005 | (395746) |
| 3 | 12/05/2005 | (436101) |
| 4 | 02/08/2006 | (454180) |
| 5 | 10/26/2006 | (511030) |
| 6 | 11/18/2009 | (778630) |

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

Date: 03/25/2005 (351043)

CN601499528

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to properly seal the hypochlorination solution container.

Self Report? NO Classification: Minor

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

Description: Failure to provide a sanitary easement at the time of this investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to keep a plant operations manual.

Self Report? NO Classification: Minor

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

Description: Failure to provide an overflow pipe flap valve assembly on the vertical ground storage tank with a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to insure that the vertical and horizontal ground storage tanks and the pressure tank meet current AWWA standards.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(II)

Description: Failure to provide adequate total storage 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
HILCO UNITED SERVICES, INC.
RN101271401**

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

AGREED ORDER DOCKET NO. 2009-1927-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hilco United Services, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply 500 feet west of the intersection of Farm-to-Market Road 2604 and Farm-to-Market Road 933, Hill County, Texas (the "Facility") that has approximately 229 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that Facility personnel failed to provide adequate documentation showing approval for significant changes to the Facility.
3. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not collect distribution coliform samples at locations specified in the Facility's chemical and microbiological monitoring plan. Specifically, at the time of the investigation, it was documented that all coliform samples were collected at a single site in the distribution system instead of being collected at various locations specified in the Facility's monitoring plan.
4. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not provide an up-to-date distribution map so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, the most current distribution system map was dated 1986 and did not reflect changes to the placement of gate valves, flush valves, installation of additional water lines and other pertinent information.
5. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not locate the Facility's well at least 150 feet from the septic tank perforated drainfield. Specifically, at the time of the investigation, it was documented that the well was located approximately 120 feet from a septic tank perforated drainfield.
6. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not terminate the well blow-off line in a downward direction and at a point which will not be submerged by flood waters.
7. During an investigation on October 6, 2009, TCEQ staff documented that the Respondent did not secure a sanitary control easement covering all property within 150 feet of the Facility's water well.
8. The Respondent received notice of the violations on November 30, 2009.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility as of October 15, 2009:
 - a. Provided a complete copy of a TCEQ Plan Approval letter dated April 6, 2007 indicating approval for proposed changes to the Facility; and
 - b. Installed the well blow-off line so that it terminates in a downward direction.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect distribution coliform samples at locations specified in the Facility's chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide an up-to-date distribution map so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to locate the Facility's well at least 150 feet from the septic tank perforated drainfield, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(A).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to terminate the well blow-off line in a downward direction and at a point which will not be submerged by flood waters, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(L).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to secure a sanitary control easement covering all property within 150 feet of the Facility's water well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2006-1985-PWS-E, Ordering Provision No. 2.a.ii.
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Two Thousand Three Hundred Dollars (\$2,300) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Two Thousand Three Hundred Dollar (\$2,300) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Three Hundred Dollars (\$2,300) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hilco United Services, Inc., Docket No. 2009-1927-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin complying with applicable coliform monitoring requirements by ensuring that all routine distribution coliform samples are collected at locations specified in the Facility's monitoring plan and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring.
 - b. Within 60 days after the effective date of this Agreed Order, develop and begin maintaining an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, as required by 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.b.
 - d. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39.
 - e. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.d.

- f. Within 180 days after the effective date of this Agreed Order, relocate the septic system drainfield to a site that is a minimum of 150 feet from the Facility's well, as required by 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39.
- 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 Nos. 2.a and 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Hilco United Services, Inc.
DOCKET NO. 2009-1927-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

3/16/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Hilco United Services, Inc. I am authorized to agree to the attached Agreed Order on behalf of Hilco United Services, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Hilco United Services, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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]
Signature

3-9-10
Date

Debra H. Cole
Name (Printed or typed)
Authorized Representative of
Hilco United Services, Inc.

Board President
Title

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

