

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-0064-PWS-E **TCEQ ID:** RN104707435 **CASE NO.:** 38967
RESPONDENT NAME: Circle T Promotions, Ltd.

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: Circle T Arena Water Supply, 4021 West Highway 36, Hamilton County</p> <p>TYPE OF OPERATION: Show arena with public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input 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 June 7, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. K. A. Beshears, Owner, Circle T Promotions, Ltd., 4021 West Highway 36, Hamilton, Texas 76531 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: November 12, 2009</p> <p>Date of NOE Relating to this Case: December 3, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain a record of water works operations that includes the volume of water treated each week [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III)].</p> <p>2) Failure to provide a production capacity of at least 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide a service pump capacity of at least 2.0 gpm per connection or at least 1,000 gpm and the ability to meet peak hourly demands [30 TEX. ADMIN. CODE § 290.45(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to provide notice to the Executive Director prior to making a change to the disinfection method used at the Facility [30 TEX. ADMIN. CODE § 290.39(j)].</p> <p>5) Failure to obtain approval from the Executive Director prior to establishing an interconnection with another water supply [30 TEX. ADMIN. CODE § 290.46(k)].</p>	<p>Total Assessed: \$1,264</p> <p>Total Deferred: \$252 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,012</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has undertaken the following corrective measures:</p> <p>a. On November 30, 2009, the Respondent submitted an exception request pursuant to 30 TEX. ADMIN. CODE § 290.39(l), requesting authorization for the purchase of water without a written contract or letter of understanding between the Respondent and the wholesaler of the water; and</p> <p>b. On December 18, 2009, the Respondent submitted notice to the Executive Director of the change in the disinfection method used at the Facility.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining a record of water works operations that includes the volume of water treated each week.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision f, and include detailed supporting documentation, including copies of the water works operation records, to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 90 days after the effective date of this Agreed Order, obtain approval from the Executive Director for the interconnection with the Upper Leon River Municipal Water District.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision f, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision c.</p>

		<p>e. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a purchase water contract that specifies a maximum authorized daily purchase rate, or a uniform purchase rate in the absence of a specified daily purchase rate to meet a production capacity of at least 0.6 gpm per connection; and</p> <p>ii. Provide a purchase water contract that specifies a maximum hourly purchase rate to meet a service pump capacity of at least 2.0 gpm per connection or at least 1,000 gpm and the ability to meet peak hourly demands; or</p> <p>iii. Obtain Commission approval of the exception submitted by the Respondent pursuant to 30 TEX. ADMIN. CODE § 290.39(l) for the purchase of water without a written contract or letter of understanding between the Respondent and the wholesaler of the water as required by 30 TEX. ADMIN. CODE § 290.45.</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID: PWS ID No. 0970015



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Dec-2009	Screening	22-Dec-2009	EPA Due	
	PCW	7-Jan-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Circle T Promotions, Ltd.	
Reg. Ent. Ref. No.	RN104707435	
Facility/Site Region	9-Vacc	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	38967	No. of Violations	5
Docket No.	2010-0064-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Clausewitz
		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* **\$1,210**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 2.0% Enhancement *Subtotals 2, 3, & 7* **\$24**

Notes: An enhancement is recommended due to one prior Notice of Violation ("NOV") containing a violation that is not 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* **\$10**

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

Total EB Amounts	\$439	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$8,150	

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,224**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$1,224**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,264**

DEFERRAL 20.0% Reduction *Adjustment* **-\$252**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,012**

Screening Date 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38967

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
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) 2%

>> 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

An enhancement is recommended due to one prior Notice of Violation ("NOV") containing a violation that is not similar to the violations in the current enforcement action.

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

Screening Date 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38967

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III)

Violation Description

Failed to maintain a record of water works operations that includes the volume of water treated each week.

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 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

40 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

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$10

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: Circle T Promotions, Ltd.
Case ID No.: 38967
Reg. Ent. Reference No.: RN104707435
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

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	12-Nov-2009	31-Aug-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 create and begin maintaining a record keeping system that includes documentation of the volume of water treated each week, 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

\$4

Screening Date 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38967

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a production capacity of at least 0.6 gallons per minute ("gpm") per connection. Specifically, as a purchase water system, the Respondent should maintain a contract which authorizes purchasing a minimum of 66 gallons per minute for its 110 connections. The Respondent currently has no purchase water contract, thus there is a 100% deficiency in production capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a purchase water contract that guarantees an adequate production capacity, customers of the Facility could experience water shortages or outages and could be exposed to a significant amount of contaminants, which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

40 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, November 12, 2009, to the date of case screening, December 22, 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent: Circle T Promotions, Ltd.
Case ID No.: 38967
Reg. Ent. Reference No.: RN104707435
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	12-Nov-2009	31-Oct-2010	0.97	\$3	\$64	\$68
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 obtain a valid purchase water contract that includes sufficient capacity for the 110 connections at the Facility or to obtain approved exception to the contract requirement, 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

\$1,000

TOTAL

\$68

Screening Date 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38967

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(f)(5) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a service pump capacity of at least 2.0 gallons per minute ("gpm") per connection or at least 1,000 gpm and have the ability to meet peak hourly demands. Specifically, with no purchase water contract in place and no service pumps, the Respondent has a 100% deficiency in service pump capacity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	X				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Without a purchase water contract that guarantees an adequate service pump capacity, customers of the Facility could experience water shortages or outages and could be exposed to a significant amount of contaminants, which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 40

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, November 12, 2009, to the date of case screening, December 22, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRPS/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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent: Circle T Promotions, Ltd.
Case ID No.: 38967
Reg. Ent. Reference No.: RN104707435
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs associated with this violation are included under the economic benefit of violation no. 2.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38967

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.39(j)

Violation Description Failed to provide notice to the Executive Director prior to making a change to the disinfection method used at the Facility. Specifically, on the date of the investigation, the water provided by the Respondent was being disinfected using chloramines; however, the Respondent had not provided the Executive Director with notice of the change from chlorine as the disinfection method.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 40

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent achieved compliance with this violation as of December 18, 2009.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$92

This violation Final Assessed Penalty (adjusted for limits) \$92

Economic Benefit Worksheet

Respondent: Circle T Promotions, Ltd.
Case ID No.: 38967
Reg. Ent. Reference No.: RN104707435
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	12-Nov-2009	18-Dec-2009	0.10	\$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 submit a notice for the use of chloramines at the Facility, 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)

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 22-Dec-2009

Docket No. 2010-0064-PWS-E

PCW

Respondent Circle T Promotions, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 38987

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104707435

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(k)

Violation Description

Failed to obtain approval from the Executive Director prior to establishing an interconnection with another water supply. Specifically, on the date of the investigation it was discovered that the Respondent had established an interconnection with Upper Leon River Municipal Water District and no approval for the interconnection had been obtained.

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 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

40 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
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		
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 \$367

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent: Circle T Promotions, Ltd.
Case ID No.: 38967
Reg. Ent. Reference No.: RN104707435
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	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	12-Nov-2009	30-Nov-2010	1.05	\$17	\$350	\$367
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 prepare, submit, and obtain approval of as-built plans and specifications for the interconnection, 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

\$5,000

TOTAL

\$367

Compliance History Report

Customer/Respondent/Owner-Operator: CN602881328 Circle T Promotions, Ltd. Classification: AVERAGE Rating: 0.47
 Regulated Entity: RN104707435 Circle T Arena Water Supply Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 6001486
 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0970015
 Location: 4021 West Highway 36, Hamilton County, Texas
 TCEQ Region: REGION 09 - WACO
 Date Compliance History Prepared: January 06, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: January 06, 2005 to January 06, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? 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

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 03/29/2007 (554351)
 2 11/30/2009 (763666)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 Date: 02/16/2007 (536939) CN602881328
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(3)
 Description: Failure to submit well completion data to the Water Supply Division for review.
 - 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
CIRCLE T PROMOTIONS, LTD.
RN104707435**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0064-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 Circle T Promotions, Ltd. ("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 show arena with a public water supply at 4021 West Highway 36 in Hamilton County, Texas (the "Facility") that has approximately 110 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 December 8, 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 One Thousand Two Hundred Sixty-Four Dollars (\$1,264) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Twelve Dollars (\$1,012) of the administrative penalty and Two Hundred Fifty-Two Dollars (\$252) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has undertaken the following corrective measures:
 - a. On November 30, 2009, the Respondent submitted an exception request pursuant to 30 TEX. ADMIN. CODE § 290.39(1), requesting authorization for the purchase of water without a written contract or letter of understanding between the Respondent and the wholesaler of the water; and
 - b. On December 18, 2009, the Respondent submitted notice to the Executive Director of the change in the disinfection method used at the Facility.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain a record of water works operations that includes the volume of water treated each week, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III), as documented during an investigation conducted on November 12, 2009.
2. Failed to provide a production capacity of at least 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 12, 2009.
3. Failed to provide a service pump capacity of at least 2.0 gpm per connection or at least 1,000 gpm and the ability to meet peak hourly demands, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 12, 2009.

4. Failed to provide notice to the Executive Director prior to making a change to the disinfection method used at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.39(j), as documented during an investigation conducted on November 12, 2009.
5. Failed to obtain approval from the Executive Director prior to establishing an interconnection with another water supply, in violation of 30 TEX. ADMIN. CODE § 290.46(k), as documented during an investigation conducted on November 12, 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: Circle T Promotions, Ltd., Docket No. 2010-0064-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining a record of water works operations that includes the volume of water treated each week, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation, including copies of the water works operation records, to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 90 days after the effective date of this Agreed Order, obtain approval from the Executive Director for the interconnection with the Upper Leon River Municipal Water District, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting

documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision 2.c.

- e. Within 180 days after the effective date of this Agreed Order:
- i. Provide a purchase water contract that specifies a maximum authorized daily purchase rate, or a uniform purchase rate in the absence of a specified daily purchase rate to meet a production capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a purchase water contract that specifies a maximum hourly purchase rate to meet a service pump capacity of at least 2.0 gpm per connection or at least 1,000 gpm and the ability to meet peak hourly demands, in accordance with 30 TEX. ADMIN. CODE § 290.45; or
 - iii. Obtain Commission approval of the exception submitted by the Respondent pursuant to 30 TEX. ADMIN. CODE § 290.39(1) for the purchase of water without a written contract or letter of understanding between the Respondent and the wholesaler of the water as required by 30 TEX. ADMIN. CODE § 290.45.
- f. 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 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

John Zedler

For the Executive Director

Date 6/18/2010

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.

K.A. Beshears

Signature

Date 5/24/10

K.A. Beshears

Name (Printed or typed)
Authorized Representative of
Circle T Promotions, Ltd.

Owner

Title

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