

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2009-1348-PWS-E RN105161194 CASE NO. 38185

RESPONDENT NAME: THOMAS OSBORN HAMMOND D/B/A

LOCO COYOTE GRILL MUSIC RANCH

ORDER TYPE:		
<input type="checkbox"/> 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 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

SITE WHERE VIOLATIONS OCCURRED: 1795 County Road 1004, Glen Rose, Somervell County

TYPE OF OPERATION: public water system

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired April 4, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Peipey Tang, Litigation Division, MC 175, (512) 239-3400
Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Stephen Thompson, Water Enforcement Section, MC 169, (512) 239-2558

TCEQ Regional Contact: Sid Slocum, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5901

Respondent: Thomas Osborn Hammond, 1795 County Road 1004, Glen Rose, Texas 76990-3021

Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: THOMAS OSBORN HAMMOND DBA
 LOCO COYOTE GRILL MUSIC RANCH
 DOCKET NO. 2009-1348-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaint: N/A</p> <p>Dates of Investigation: July 23, 2009 July 31, 2009 August 19, 2009</p> <p>Dates of NOEs: August 5, 2009 August 10, 2009</p> <p>Background Facts: The EDRP was filed on January 11, 2010. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on November 9, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation demonstrating compliance with the technical requirements. Respondent owes \$307.47 in past-due fees.</p> <p>PWS:</p> <ol style="list-style-type: none"> 1. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample for the months of August 2007 through May 2009 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d)]. 2. Failed to develop and maintain an up-to-date chemical microbiological monitoring plan for the Facility [30 TEX. ADMIN. CODE § 290.121(a) and (b)]. 3. Failed to provide operating records at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)]. 4. Failed to conduct an annual inspection of the Facility's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)]. 5. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)]. 6. Failed to provide pressure tank capacity of at least 220 gallons [30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii)]. 	<p>Total Assessed: \$15,443</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$463/\$14,980</p> <p>Respondent paid \$463 of the administrative penalty. The remaining amount of \$14,980 shall be payable in 35 monthly payments of \$428 each.</p> <p>Compliance History Classifications: Person/CN – N/A Site/RN – N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Three or more enforcement actions (NOVs) over the prior five year period for the same violations.</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants (violation 1). This provision will be satisfied upon six consecutive months of compliant monitoring and reporting. 2. Within 30 days: <ol style="list-style-type: none"> a. Conduct an inspection of the Facility's pressure tank (violation 4); b. Install disinfection equipment so that continuous and effective disinfection is secured under all conditions (violation 5); c. Begin testing the disinfectant residual of the water supply using an approved method (violation 7); and d. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 92130040 (violation 13). 3. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions No. 2. 4. Within 60 days: <ol style="list-style-type: none"> a. Compile an up-to-date chemical and microbiological monitoring plan (violation 2); and b. Begin maintaining a thorough record of water works operation and maintenance activities (violation 3). 5. Within 75 days, submit written certification demonstrating compliance with Ordering Provision No. 4. 6. Within 90 days: <ol style="list-style-type: none"> a. Repair the crack in the concrete sealing block of the Facility's well (violation 9); b. Provide the Facility's well with a properly constructed casing vent (violation 10);

**RESPONDENT NAME: THOMAS OSBORN HAMMOND DBA
 LOCO COYOTE GRILL MUSIC RANCH
 DOCKET NO. 2009-1348-PWS-E**

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7. Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using amperometric titration, N, N-diethyl-p-phenylenediamine ("DPD") Ferrrous titration or DPD colorimetric [30 TEX. ADMIN. CODE § 290.110(d)(1)].</p> <p>8. Failed to submit well completion data prior to placing the Facility's well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>9. Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>10. Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>11. Failed to provide a suitable sampling cock on the discharge pipe of the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>12. Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>13. Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 92130040 for Fiscal Year 2009 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].</p>		<p>c. Provide the discharge pipe of the Facility's well with a suitable sampling cock (violation 11); and</p> <p>d. Provide a flow measuring device for the Facility's well (violation 12).</p> <p>7. Within 105 days, submit written certification demonstrating compliance with Ordering Provision No. 6.</p> <p>8. Within 120 days:</p> <p>a. Provide the Facility with a pressure tank capacity of 220 gallons (violation 6); and</p> <p>b. Submit to TCEQ for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for the Facility's well (violation 8).</p> <p>9. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision No. 8.</p> <p>10. Within 180 days, Respondent shall submit written certification to demonstrate compliance with Ordering Provision No. 1.</p>

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	17-Aug-2009			
	PCW	31-Aug-2009	Screening	20-Aug-2009	EPA Due 31-Aug-2008

RESPONDENT/FACILITY INFORMATION					
Respondent	Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch				
Reg. Ent. Ref. No.	RN105161194				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	38185	No. of Violations	13		
Docket No.	2009-1348-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Stephen Thompson		
		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	\$6,950
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	110.0% Enhancement	Subtotals 2, 3, & 7	\$7,645
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Notes: Enhancement is due to 22 Notices of Violation that contain violations that are the same as those in the current enforcement action.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,243
 Approx. Cost of Compliance \$7,391
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,595
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OTHER FACTORS AS JUSTICE MAY REQUIRE	5.8%	Adjustment	\$848
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement due to the recovery of avoided costs of compliance.

Final Penalty Amount	\$15,443
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,443
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$15,443
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Screening Date 20-Aug-2009

Docket No. 2009-1348-PWS-E

PCW

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music

Policy Revision 2 (September 2002)

Case ID No. 38185

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105161194

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	22	110%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 110%

>> 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

Enhancement is due to 22 Notices of Violation that contain violations that are the same as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample for the months of August 2007 through May 2009.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to conduct routine sampling of the source water could expose consumers to significant amounts of undetected contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Twenty-two monthly events are recommended, calculated for the months in which no sampling occurred.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$360	1-Aug-2007	31-May-2009	1.83	\$33	\$660	\$693
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

The avoided costs include the estimated amount to collect one coliform monitoring sample and post public notice that a sample was not taken. Calculated from the first month that a sample was not taken to the last month that a sample was not taken.

Approx. Cost of Compliance

\$360

TOTAL

\$693

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)
Violation Description Failed to develop and maintain an up-to-date chemical microbiological monitoring plan for the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> 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 28 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 \$3 **Violation Final Penalty Total** \$222

This violation Final Assessed Penalty (adjusted for limits) \$222

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	23-Jul-2009	1-Apr-2010	0.69	\$3	n/a	\$3
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 necessary to compile a chemical and microbiological monitoring plan. The date required is the date of the investigation. The final date is 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

\$100

TOTAL

\$3

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	23-Jul-2009	1-Apr-2010	0.69	\$7	n/a	\$7
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 begin compiling a record of the Facility's operations, 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

\$200

TOTAL

\$7

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)
Violation Description Failed to conduct an annual inspection of the Facility's pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Failure to perform annual inspections of the pressure tank could lead to the non-detection of defects which could expose customers of the Facility to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$250

One annual event is recommended, calculated for the one year prior to the date of the investigation.

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 \$105 **Violation Final Penalty Total** \$556

This violation Final Assessed Penalty (adjusted for limits) \$556

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	23-Jul-2008	23-Jul-2009	1.00	\$5	\$100	\$105
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

The avoided costs include the estimated amount to conduct an inspection of the Facility's pressure tank, calculated for the 12 months preceding the date of the investigation.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)

Violation Description Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, at the time of the investigation, it was documented that the Facility did not have any disinfection equipment installed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes Failure to provide disinfection equipment could result in the distribution of unsafe water to consumers thereby exposing them to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended, calculated from the date of the investigation, July 23, 2009, to the date of screening, August 20, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$64 **Violation Final Penalty Total** \$556

This violation Final Assessed Penalty (adjusted for limits) \$556

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
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

Equipment	\$335	23-Jul-2009	1-Mar-2010	0.61	\$1	\$14	\$14
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install disinfection equipment, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	23-Jul-2009	20-Aug-2009	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated cost to provide supplies and operation of the disinfection equipment to ensure that the water was adequately disinfected. Calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$385

TOTAL

\$64

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
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
No commas or \$							

Delayed Costs

Equipment	\$605	23-Jul-2009	1-Jun-2010	0.86	\$2	\$35	\$36
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide adequate pressure tank capacity, 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

\$605

TOTAL

\$36

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using amperometric titration, N,N-diethyl-p-phenylenediamine ("DPD") Ferrous titration or DPD colorimetric. Specifically, at the time of the investigation, it was documented that the Respondents were not measuring the free chlorine residual throughout the distribution system by using an approved device.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to accurately measure the disinfectant residual in the water supply may result in the non-detection of inadequately disinfected water thereby exposing consumers to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended, calculated from the date of the investigation, July 23, 2009, to the date of screening, August 20, 2009.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$76	23-Jul-2009	1-Mar-2010	0.61	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to purchase an approved free chlorine testing kit, 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

\$76

TOTAL

\$3

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description Failed to submit well completion data prior to placing the Facility's well into service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification	x			

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 28 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

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

Estimated EB Amount \$300 Violation Final Penalty Total \$222

This violation Final Assessed Penalty (adjusted for limits) \$222

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	23-Jul-2009	1-Jun-2010	0.86	\$14	\$286	\$300
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 compile and submit well completion data, 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

\$300

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="5%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	x		

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	23-Jul-2009	1-May-2010	0.77	\$1	\$10	\$11
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the crack in the concrete sealing block, 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

\$200

TOTAL

\$11

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description
 Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, at the time of the investigation, it was documented that the well did not have a well casing vent.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential		x		10%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes
 Failure to provide the Facility's well with a well casing vent could lead to pressure buildups inside the well casing leading to damage of the well which could expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, July 23, 2009, to the date of screening, August 20, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$8 Violation Final Penalty Total \$222

This violation Final Assessed Penalty (adjusted for limits) \$222

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$150	23-Jul-2009	1-May-2010	0.77	\$0	\$8	\$8
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 have a vent installed in the well casing, 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

\$150

TOTAL

\$8

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M)
Violation Description Failed to provide a suitable sampling cock on the discharge pipe of the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential		x	5%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes Failure to provide a suitable sampling tap hinders the ability to take a proper raw water sample and could expose consumers to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$111

This violation Final Assessed Penalty (adjusted for limits) \$111

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	23-Jul-2009	1-May-2010	0.77	\$0	\$5	\$5
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a proper sampling cock on the discharge pipe of the well, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(N)
Violation Description Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to provide flow measuring devices for the Facility's wells could result in inaccurate or unavailable water production data for the water supplied to the customers. Without accurate data, water treatment could be impacted, exposing customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$222

This violation Final Assessed Penalty (adjusted for limits) \$222

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 12

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	\$115	23-Jul-2009	1-May-2010	0.77	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a well meter, 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

\$115

TOTAL

\$6

Screening Date 20-Aug-2009 **Docket No.** 2009-1348-PWS-E **PCW**
Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch *Policy Revision 2 (September 2002)*
Case ID No. 38185 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN105161194
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Thomas Osborn Hammond dba Loco Coyote Grill Music Ranch
Case ID No. 38185
Reg. Ent. Reference No. RN105161194
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN603151986 The Loco Coyote Cantina, Inc. Classification: Rating:
Regulated Entity: RN105161194 LOCO COYOTE GRILL MUSIC RANCH Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2130040
Location: 1795 CR 1004, SOMERVELL COUNTY, TX
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: August 17, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 17, 2004 to August 17, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/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	07/28/2009	(763693)
2	07/31/2009	(763859)
3	07/31/2009	(763868)
4	07/31/2009	(763872)
5	07/31/2009	(763879)
6	07/31/2009	(763898)
7	07/31/2009	(763899)
8	07/31/2009	(763900)
9	07/31/2009	(763904)
10	07/31/2009	(763917)
11	07/31/2009	(763924)
12	07/31/2009	(763932)
13	07/31/2009	(763936)
14	07/31/2009	(763983)
15	07/31/2009	(763994)
16	07/31/2009	(763997)
17	07/31/2009	(764000)
18	07/31/2009	(764006)
19	07/31/2009	(764014)
20	07/31/2009	(764018)
21	07/31/2009	(764022)
22	07/31/2009	(764030)
23	08/05/2009	(764307)
24	08/13/2009	(763251)

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

Date: 11/01/2007 (763693) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 08/2007 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 08/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/20/2007 (763859) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 09/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 09/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/31/2008 (763868) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 10/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 10/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 02/14/2008 (763872) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 11/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 11/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 02/21/2008 (763879) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 12/2007 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 12/2007 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 03/11/2008 (763898) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 01/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 01/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/16/2008 (763899) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 02/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 02/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/29/2008 (763900) CN603513409

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 03/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 03/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 05/22/2008 (763904) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 04/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 04/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 06/27/2008 (763917) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 05/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 05/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 07/31/2008 (763924) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 06/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 06/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 09/03/2008 (763932) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 10/10/2008 (763936) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 08/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 08/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 11/19/2008 (763983) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).
Date: 12/09/2008 (763994) CN603513409
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 10/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 10/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 01/13/2009 (763997) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 11/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 11/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 03/09/2009 (764000) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 12/2008 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 12/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 04/07/2009 (764006) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 01/2009 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR PN Routine Monitoring Violation 01/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 05/06/2009 (764014) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 02/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 05/26/2009 (764018) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 03/2009 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 03/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 06/15/2009 (764022) CN603513409
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 04/2009 - Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 04/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 07/14/2009 (764030)

CN603513409

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 05/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 05/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THOMAS OSBORN HAMMOND
D/B/A LOCO COYOTE GRILL
MUSIC RANCH;
RN105161194**

**§
§
§
§
§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2009-1348-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Thomas Osborn Hammond d/b/a Loco Coyote Grill Music Ranch ("Respondent") under the authority of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that he 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, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 1795 County Road 1004 in Glen Rose, Somervell County, Texas (the "Facility"). The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on July 23, 2009, and a record review conducted on July 31, 2009, a TCEQ Dallas/Fort Worth Regional Office investigator and a TCEQ Central Office investigator documented that Respondent failed to collect routine distribution water samples for coliform analysis in August 2007 through May 2009

and failed to provide public notification of the failure to sample in August 2007 through May 2009.

3. During an investigation conducted on July 23, 2009, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
 - a. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the Facility;
 - b. Failed to provide operating records at the time of the investigation. Specifically, on July 17, 2009, a list of records was requested to be made available for review. At the time of the July 23, 2009, investigation, Respondent failed to provide the requested records for review;
 - c. Failed to conduct an annual inspection of the Facility's pressure tank;
 - d. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, the Facility did not have any disinfection equipment installed;
 - e. Failed to provide pressure tank capacity of at least 220 gallons. Specifically, the Facility's pressure tank had a capacity of only 115 gallons, which is a 48% deficiency;
 - f. Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") using either amperometric titration, N, N-diethyl-p-phenylenediamine ("DPD") Ferrous titration, or DPD colorimetric. Specifically, Respondent was not measuring the free chlorine residual throughout the distribution system using an approved device;
 - g. Failed to submit well completion data prior to placing the Facility's well into service;
 - h. Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot. Specifically, there was a substantial crack running through the sealing block that could compromise its integrity;
 - i. Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, the well did not have a well casing vent;
 - j. Failed to provide a suitable sampling cock on the discharge pipe of the well; and
 - k. Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data.

4. During a record review conducted on August 19, 2009, a TCEQ Central Office investigator documented that Respondent failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 92130040 for Fiscal Year 2009 to the TCEQ.
5. Respondent received notice of the violations alleged in Finding of Fact No. 2 on or about August 10, 2009. Respondent received notice of the violations alleged in Finding of Fact No. 3 on or about August 15, 2009.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent violated 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d), by failing to collect routine distribution water samples for coliform analysis in August 2007 through May 2009 and failing to provide public notification of the failure to sample in August 2007 through May 2009.
3. As evidenced by Finding of Fact No. 3.a, Respondent violated 30 TEX. ADMIN. CODE § 290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan for the Facility;
4. As evidenced by Finding of Fact No. 3.b, Respondent violated 30 TEX. ADMIN. CODE § 290.46(f)(2), by failing to provide operating records at the time of the investigation.
5. As evidenced by Finding of Fact No. 3.c, Respondent violated 30 TEX. ADMIN. CODE § 290.46(m)(1), by failing to conduct an annual inspection of the Facility's pressure tank;
6. As evidenced by Finding of Fact No. 3.d, Respondent violated 30 TEX. ADMIN. CODE § 290.42(e)(3), by failing to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.
7. As evidenced by Finding of Fact No. 3.e, Respondent violated 30 TEX. ADMIN. CODE § 290.45(c)(1)(A)(ii), by failing to provide pressure tank capacity of at least 220 gallons.
8. As evidenced by Finding of Fact No. 3.f, Respondent violated 30 TEX. ADMIN. CODE § 290.110(d)(1), by failing to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L using amperometric titration, DPD Ferrous titration, or DPD colorimetric.
9. As evidenced by Finding of Fact No. 3.g, Respondent violated 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), by failing to submit well completion data prior to placing the Facility's well into service.

10. As evidenced by Finding of Fact No. 3.h, Respondent violated 30 TEX. ADMIN. CODE § 290.41(c)(3)(J), by failing to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot.
11. As evidenced by Finding of Fact No. 3.i, Respondent violated 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), by failing to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well.
12. As evidenced by Finding of Fact No. 3.j, Respondent violated 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), by failing to provide a suitable sampling cock on the discharge pipe of the well.
13. As evidenced by Finding of Fact No. 3.k, Respondent violated 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), by failing to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data.
14. As evidenced by Finding of Fact No. 4, Respondent violated 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702, by failing to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 92130040 for Fiscal Year 2009 to the TCEQ.
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of fifteen thousand four hundred forty-three dollars (\$15,443.00) 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. Respondent paid four hundred sixty-three dollars (\$463.00) of the administrative penalty. The remaining amount of fourteen thousand nine hundred eighty dollars (\$14,980.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of four hundred twenty-eight dollars (\$428.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 16, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Thomas Osborn Hammond d/b/a Loco Coyote Grill Music Ranch, Docket No. 2009-1348-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. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, Respondent shall begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE §§ 290.109 and 290.122. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Conduct an inspection of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Install disinfection equipment so that continuous and effective disinfection is secured under all conditions, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iii. Begin testing the disinfectant residual of the water supply using an approved method, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
 - iv. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 92130040, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall include the notation "Re: Thomas Osborn Hammond d/b/a Loco Coyote Grill Music Ranch, Account No. 92130040" and shall be mailed 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

- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, as detailed in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.
- d. Within 60 days after the effective date of this Agreed Order, Respondent shall:
 - i. Compile an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - ii. Begin maintaining a thorough record of water works operation and maintenance activities, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- e. Within 75 days after the effective date of the this Agreed Order, Respondent shall submit written certification, as detailed in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 90 days after the effective date of this Agreed Order, Respondent shall:
 - i. Repair the crack in the concrete sealing block of the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - ii. Provide the Facility's well with a properly constructed casing vent, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Provide the discharge pipe of the Facility's well with a suitable sampling cock, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iv. Provide a flow measuring device for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- g. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification, as detailed in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f.

- h. Within 120 days after the effective date of this Agreed Order, Respondent shall:
- i. Provide the Facility with a pressure tank capacity of 220 gallons, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41. The plans shall be submitted to:

Water Supply Division
Utilities Technical Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- i. Within 135 days after the effective date of this Agreed Order, Respondent shall submit written certification, as detailed in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 180 days after the effective date of this Agreed Order, Respondent shall submit written certification as detailed in Ordering Provision No. 2.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- k. The certifications required by these Ordering Provisions 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 certifications and supporting documentation 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:

Sid Slocum, Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas
Texas 76118-6951

with a copy of the certification for Ordering Provision No. 2.a to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive

Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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



3/16/2011

For the Executive Director

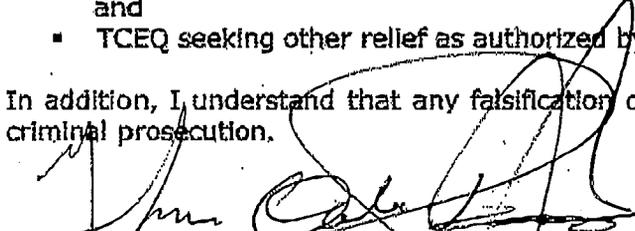
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of **Thomas Osborn Hammond d/b/a Loco Coyote Grill Music Ranch**, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature - Thomas Osborn Hammond,
Owner

Nov 19 10
Date