Executive Summary – Enforcement Matter – Case No. 41340
Ray W. Blair dba Last Resort Properties
RN102689452
Docket No. 2011-0434-PWS-E

Order Type:
Findings Agreed Order
Findings Order Justification:
Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).
Media:
PWS
Small Business:
Yes
Location(s) Where Violation(s) Occurred:
Last Resort Properties, south of Buladora Road and west of Garza Road, Little Elm, Denton County
Type of Operation:
Public water supply
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: July 8, 2011
Comments Received: No

Penalty Information

Total Penalty Assessed: $172
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $172
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $0
Name of SEP: N/A
Compliance History Classifications:
Person/CN - N/A
Site/RN - N/A
Major Source: No
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2002

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RN102689452
Docket No. 2011-0434-PWS-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 24, 2011
Date(s) of NOE(s): March 10, 2011

Violation Information

1. Failed to obtain a sanitary control easement that covers the land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].

2. Failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and 290.45(g)(2) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 90 days, obtain a sanitary control easement that covers the land within 150 feet of the well;

b. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision a;

c. Within 180 days, provide an alternative well capacity of 1.44 gpm per connection; and

d. Within 195 days, submit written certification demonstrating compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 41340
Ray W. Blair dba Last Resort Properties
RN102689452
Docket No. 2011-0434-PWS-E

TCEQ Enforcement Coordinator: Andrea Byington, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2579; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Ray W. Blair, Owner, Last Resort Properties, P.O. Box 162, Little Elm, Texas 75068
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES						
Assigned	14-Mar-2011					
PCW	14-Apr-2011	**Screening**	21-Mar-2011	**EPA Due**		

RESPONDENT/FACILITY INFORMATION

Respondent	Ray W. Blair dba Last Resort Properties		
Reg. Ent. Ref. No.	RN102689452		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Minor

CASE INFORMATION

Enf./Case ID No.	41340	**No. of Violations**	2
Docket No.	2011-0434-PWS-E	**Order Type**	Findings
Media Program(s)	Public Water Supply	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Andrea Byington
		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* **$150**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **15.0%** Enhancement — *Subtotals 2, 3, & 7* **$22**

Notes: Enhancement for three Notice of Violations ("NOVs") with same violations.

Culpability No **0.0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$0**

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

Total EB Amounts $770
Approx. Cost of Compliance $10,020
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$172**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$172**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$172**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$172**

Screening Date 21-Mar-2011 **Docket No.** 2011-0434-PWS-E **PCW**

Respondent Ray W. Blair dba Last Resort Properties

Case ID No. 41340

Reg. Ent. Reference No. RN102689452

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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) 15%

>> 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 for three Notice of Violations ("NOVs") with same violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 21-Mar-2011 **Docket No.** 2011-0434-PWS-E **PCW**

Respondent Ray W. Blair dba Last Resort Properties *Policy Revision 2 (September 2002)*

Case ID No. 41340 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102689452

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to obtain a sanitary control easement that covers the land within 150 feet of the well.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential			x	

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to secure a sanitary control easement could expose the customers of the Facility to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events: 1 — 25 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 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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $58

This violation Final Assessed Penalty (adjusted for limits) $58

Economic Benefit Worksheet

Respondent Ray W. Blair dba Last Resort Properties
Case ID No. 41340
Req. Ent. Reference No. RN102689452
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$20	24-Feb-2011	31-Dec-2011	0.85	$0	$1	$1
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	The delayed cost includes the estimated amount necessary to record a sanitary control easement for the well, calculated from the date of the record review 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 $20

TOTAL $1

Screening Date 21-Mar-2011 **Docket No.** 2011-0434-PWS-E **PCW**

Respondent Ray W. Blair dba Last Resort Properties *Policy Revision 2 (September 2002)*

Case ID No. 41340 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102689452

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Byington

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and 290.45(g)(2) and Tex. Health & Safety Code § 341.0315(a)(1)

Violation Description Failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility is required to provide a well capacity of 27.4 gpm based on an exception to the rule granted to the Facility which allowed an alternative well capacity of 1.44 gpm per connection. The Facility currently provides a well capacity of 17 gpm, which is a 38% deficiency.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential		x		

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide adequate well capacity could result in customers of the water supply experiencing water outages and backflow or low pressure problems thereby 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 — 25 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 recommended, calculated from the date of the record review, February 24, 2011, to the date of screening, March 21, 2011.

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

Estimated EB Amount $769

Statutory Limit Test

Violation Final Penalty Total $115

This violation Final Assessed Penalty (adjusted for limits) $115

Economic Benefit Worksheet

Respondent Ray W. Blair dba Last Resort Properties
Case ID No. 41340
Req. Ent. Reference No. RN102689452
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment	$10,000	24-Feb-2011	31-Mar-2012	1.10	$37	$732	$769
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 a well capacity of 1.44 gpm per connection, calculated from the date of the record review 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 $10,000

TOTAL $769

Compliance History

Customer/Respondent/Owner-Operator:	CN601365018	BLAIR, RAY W	Classification:	Rating:
Regulated Entity:	RN102689452	LAST RESORT PROPERTIES	Classification:	Site Rating:

ID Number(s):	UTILITIES	REGISTRATION	12503
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0610208
	WATER LICENSING	LICENSE	0610208

Location: S OF BULADORA RD & W OF GARZA RD, LITTLE ELM, DENTON COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: March 23, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 23, 2006 to March 23, 2011

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

Name: Andrea Byington Phone: (512) 239-2579

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator(s)? 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 04/24/2006 (458954)
2 07/18/2007 (565607)
3 04/30/2008 (653692)
4 11/25/2009 (700702)
5 08/24/2010 (842044)
6 03/10/2011 (900401)

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

Date: 04/24/2006 (458954) CN601365018
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
Description: Failed to provide a minimum capacity of 1.5 gallons per minute per connection.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county court house.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain minimum distribution pressure of 35 psi under normal operating conditions.

Self Report? NO Classification: Minor

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

Description: Failure to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion-resistant screen.

Self Report? NO Classification: Minor

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

Description: Failure to extend the well casing 18 inches above the ground surface.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
Ordering Provisions 2e.(i. iii. v.)&2g. ORDER

Description: Failure to comply with the Ordering Provisions of Commission Order 2000-1345-PWS-E.

Date: 11/24/2009 (700702) CN601365018

Self Report? NO Classification: Moderate

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

Description: Failed to provide a minimum capacity of 1.5 gallons per minute per connection.

Self Report? NO Classification: Minor

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

Description: Failure to secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county court house.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
Ordering Provisions 2e.(i. iii. v.)&2g. ORDER

Description: Failure to comply with the Ordering Provisions of Commission Order 2000-1345-PWS-E.

Self Report? NO Classification: Minor

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

Description: Failure to provide a plant operations manual.

Date: 08/31/2010 (842044) CN601365018

Self Report? NO Classification: Moderate

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

Description: 290.41(c)(l)(F) - Failure to acquire a sanitary control easement.

Self Report? NO Classification: Moderate

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

Description: 290.45(b)(l)(A) - Failure to provide a minimum well capacity of 1.5 gpm per connection.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING RAY W. BLAIR DBA LAST RESORT PROPERTIES RN102689452	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2011-0434-PWS-E

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located south of Buladora Road and west of Garza Road in Little Elm, Denton County, Texas (the "Facility") that has approximately 19 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on February 24, 2011, TCEQ staff documented that the Respondent did not obtain a sanitary control easement that covers the land within 150 feet of the well.

3. During a record review conducted on February 24, 2011, TCEQ staff documented that the Respondent did not provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility is required to provide a well capacity of 27.4 gpm based on an exception to the rule granted to the Facility which allowed an alternative well capacity of 1.44 gpm per connection. The Facility currently provides a well capacity of 17 gpm, which is a 38% deficiency.

4. The Respondent received notice of the violations on March 12, 2011.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 2, the Respondent failed to obtain a sanitary control easement that covers the land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide a well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and 290.45(g)(2) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1).

4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of One Hundred Seventy-Two Dollars ($172) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Hundred Seventy-Two Dollar ($172) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Seventy-Two Dollars ($172) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ray W. Blair dba Last Resort Properties, Docket No. 2011-0434-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:

   a. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement that covers the land within 150 feet of the well, as required by 30 TEX. ADMIN. CODE § 290.41.

   b. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

c. Within 180 days after the effective date of this Agreed Order, provide an alternative well capacity of 1.44 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45.

d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All

requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in 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. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 7/18/2011
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Ray W. Blair dba Last Resort Properties. I am authorized to agree to the attached Agreed Order on behalf of Ray W. Blair dba Last Resort Properties, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that be entering into this Agreed Order, Ray W. Blair dba Last Resort Properties waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ray W. Blair 06/08/2011
Signature Date

Ray W. Blair Owner
Name (Printed or typed) Title
Authorized Representative of
Ray W. Blair dba Last Resort Properties

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