

**Executive Summary – Enforcement Matter – Case No. 43025**  
**The Original Adventure Camp Inc**  
**RN101194561**  
**Docket No. 2011-2174-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Adventure Camp, 1736 Y.O. Ranch Road, Kerr 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:** October 19, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,536

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$136

**Total Due to General Revenue:** \$1,400

Payment Plan: 14 payments of \$100 each

**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

**Executive Summary – Enforcement Matter – Case No. 43025**  
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**Docket No. 2011-2174-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 31, 2011

**Date(s) of NOE(s):** November 4, 2011

***Violation Information***

1. Failed to comply with the acute maximum contaminant level (“AMCL”) for fecal coliform and *Escherichia coli* [30 TEX. ADMIN. CODE § 290.109(f)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
2. Failed to complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples and failed to provide notification to the customers of the Facility regarding the failure to complete corrective action [30 TEX. ADMIN. CODE §§ 290.116(b)(2) and 290.122(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 10 days, begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
- b. Within 30 days, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility;
- c. Within 45 days, submit written certification demonstrating compliance with Ordering Provision b.;
- d. Within 120 days, implement one or more of the corrective action procedures described in 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(E) and 290.116(b)(5) to address the AMCL exceedances;
- e. Within 135 days, submit written certification demonstrating compliance with Ordering Provision d.; and
- f. Within 195 days, submit written certification demonstrating compliance.

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***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  
**TCEQ Enforcement Coordinator:** Stephen Thompson, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-2558; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Charles Schreiner IV, Officer, The Original Adventure Camp Inc, 924  
Jefferson Street, Kerrville, Texas 78028  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

TCEQ

<b>DATES</b>	<b>Assigned</b>	7-Nov-2011	<b>Screening</b>	23-Nov-2011	<b>EPA Due</b>	30-Jun-2011
	<b>PCW</b>	19-Dec-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	The Original Adventure Camp Inc		
<b>Reg. Ent. Ref. No.</b>	RN101194561		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43025	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-2174-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations and one final agreed order without denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
Approx. Cost of Compliance   
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs of compliance associated with the violations.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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**

Screening Date 23-Nov-2011

Docket No. 2011-2174-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 2 (September 2002)

Case ID No. 43025

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101194561

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	1	25%
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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 42%

>> 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 NOVs with same/similar violations, one NOV with dissimilar violations and one final agreed order without denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 42%

Screening Date 23-Nov-2011

Docket No. 2011-2174-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 2 (September 2002)

Case ID No. 43025

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(f)(1)(A) and Tex. Health & Safety Code § 341.031(a)

Violation Description Exceeded the acute maximum contaminant level for fecal coliform and Escherichia coli for the month of October 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes As a result of this violation, consumers of the Facility's water have been exposed to a significant amount of contaminants which exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

One monthly 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$768

This violation Final Assessed Penalty (adjusted for limits) \$768

## Economic Benefit Worksheet

**Respondent** The Original Adventure Camp Inc  
**Case ID No.** 43025  
**Reg. Ent. Reference No.** RN101194561  
**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				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]	\$100	1-Oct-2010	31-Oct-2010	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary for additional sampling and oversight that could have prevented the exceedance, calculated for the month in which the exceedance occurred.

Approx. Cost of Compliance \$100

**TOTAL** \$105

Screening Date 23-Nov-2011

Docket No. 2011-2174-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 2 (September 2002)

Case ID No. 43025

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.116(b)(2) and 290.122(b)

Violation Description

Failed to complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples and failed to provide notification to the customers of the Facility regarding the failure to complete corrective action. Specifically, at the time of the record review, it was documented that the Respondent was notified of the fecal indicator-positive sample results on November 19, 2010, and January 12, 2011, and corrective action was not completed within 120 days of either notification.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to complete corrective action following notification of a fecal indicator-positive raw groundwater source sample may result in consumers of the Facility's water being exposed to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended (one event per corrective action not completed.)

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$768

This violation Final Assessed Penalty (adjusted for limits) \$768

## Economic Benefit Worksheet

**Respondent** The Original Adventure Camp Inc  
**Case ID No.** 43025  
**Reg. Ent. Reference No.** RN101194561  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	19-Nov-2010	31-Aug-2012	1.78	\$4	\$71	\$75
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 necessary to implement corrective action procedures, calculated from the first date that the Respondent was notified of the fecal indicator-positive sample 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)	\$10	18-Apr-2011	11-Jun-2011	1.07	\$1	\$10	\$11

Notes for AVOIDED costs

The delayed costs include the estimated cost to provide public notice to customers, calculated from the first date that the first public notice was due to the date that the latest public notice was due.

Approx. Cost of Compliance

\$610

**TOTAL**

\$85

# Compliance History

Customer/Respondent/Owner-Operator: CN600640346 The Original Adventure Camp Inc Classification: Rating:  
Regulated Entity: RN101194561 ADVENTURE CAMP Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1330116  
Location: 1736 YO RANCH ROAD, KERR COUNTY, TX  
TCEQ Region: REGION 13 - SAN ANTONIO  
Date Compliance History Prepared: November 23, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 23, 2006 to November 23, 2011  
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? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/18/2007

ADMINORDER 2006-0520-PWS-E

Classification: Moderate

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

Description: Failure to perform repeat sampling following a coliform-positive month in 07/2003.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(1)(B)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the Acute Maximum Contaminant Level ("AMCL") Violation in 10/2003.

Classification: Moderate

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

Description: Failure to perform repeat sampling following a coliform-positive month in 11/2003.

Classification: Moderate

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

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 01/2004.

Classification: Moderate

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

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 02/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to collect any repeat samples in 03/2004 following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the Maximum Contaminant Level ("MCL") Violation in 03/2004.

Classification: Moderate

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

Description: Failure to post a PN for exceeding a Maximum Contaminant Level ("MCL") Violation in 03/2004.

Classification: Moderate

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

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 05/2004.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 05/2004.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 04/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 04/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 07/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 08/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 09/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 09/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 10/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 12/2005.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
5A THC Chapter 341, SubChapter A 341.033(d)  
Description: Failure to collect any routine monitoring samples in 01/2006.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: Failure to post a PN for not collecting any routine monitoring samples in 02/2006.

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 06/24/2008 (682079)
- 2 08/04/2011 (932839)
- 3 11/02/2011 (964485)
- 4 11/03/2011 (964649)
- 5 11/03/2011 (964671)
- 6 11/04/2011 (964710)

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

Date: 11/05/2010 (964485)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(1)(A)  
Description: TCR AMCL Violation 10/2010 - System received an Acute Maximum Contaminant Level (AMCL) Violation.

Date: 06/03/2011 (964649)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)  
Description: GWR Corrective Action Violation 03/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample.

Date: 06/03/2011 (964671)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)  
Description: GWR Corrective Action Violation 05/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample.

Date: 08/05/2011 (932839)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
Description: Failure to maintain the public water system's operating records organized, and copies kept on file or stored electronically.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description: Failure to inspect the ground storage tank at least annually, to determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves and gaskets provide adequate protection against insects, rodents, and other vermin, and that the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces and that the tank remains in a watertight condition.

The results of these inspections must be recorded and maintained  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities and reduce costly repairs due to a lack of proper maintenance. This program should include maintaining the ground storage tank to prevent constant overflowing of the tank.

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





2. During a record review conducted on October 31, 2011, TCEQ staff documented that the Respondent exceeded the acute maximum contaminant level ("AMCL") for fecal coliform and *Escherichia coli* for the month of October 2010.
3. During a record review conducted on October 31, 2011, TCEQ staff documented that the Respondent did not complete corrective action or achieve compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples and did not provide notification to the customers of the Facility regarding the failure to complete corrective action. Specifically, at the time of the record review, it was documented that the Respondent was notified of the fecal indicator-positive sample results on November 19, 2010, and January 12, 2011, and corrective action was not completed within 120 days of either notification.
4. The Respondent received notice of the violations on November 15, 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 comply with the AMCL for fecal coliform and *Escherichia coli*, in violation of 30 TEX. ADMIN. CODE § 290.109(f)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples and failed to provide notification to the customers of the Facility regarding the failure to complete corrective action, in violation of 30 TEX. ADMIN. CODE §§ 290.116(b)(2) and 290.122(b).
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 Thousand Five Hundred Thirty-Six Dollars (\$1,536) 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 One Hundred Thirty-Six Dollars (\$136) of the administrative penalty. The remaining amount of One Thousand Four Hundred Dollars (\$1,400) of the administrative penalty shall be payable in 14 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30

days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### 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 Thousand Five Hundred Thirty-Six Dollars (\$1,536) 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: The Original Adventure Camp Inc, Docket No. 2011-2174-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 10 days after the effective date of this Agreed Order, begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
  - b. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f., and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.;

- d. Within 120 days after the effective date of this Agreed Order, implement one or more of the corrective action procedures described in 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(E) and 290.116(b)(5) to address the AMCL exceedances, in accordance with 30 TEX. ADMIN. CODE § 290.116;
- e. Within 135 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.; and
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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:

Public Water Supply Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- 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



For the Executive Director

12/7/12

Date

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

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

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

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

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



Signature

7/11/12

Date



Name (Printed or typed)

Officer

Title

Authorized Representative of  
The Original Adventure Camp Inc

**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.