

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45255  
Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America  
RN101257129  
Docket No. 2012-2128-PWS-E

**Order Type:**

Default Order

**Media:**

PWS

**Small Business:**

Yes

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

5681 East US Highway 290, Fredericksburg, Gillespie County

**Type of Operation:**

campground with a public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$276.30 (FA Acct. No. 90860003)
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** May 10, 2013

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$968

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$968

**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002 (PCW 1); September 2011 (PCW 2)

**Investigation Information**

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

**Date(s) of Investigation:** September 24, 2012

**Date(s) of NOV(s):** June 22, 2012; July 23, 2012

**Date(s) of NOE(s):** October 12, 2012

**Violation Information**

1. Failed to provide public notification for the failure to collect routine distribution water samples for the month of April 2011 [30 TEX. ADMIN. CODE § 290.122(c)(2)(B)].
2. Failed to provide the results of annual nitrate/nitrite monitoring to the Executive Director for the January 1, 2011 through December 31, 2011 monitoring period [30 TEX. ADMIN. CODE § 290.106(e)].
3. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample for the month of April 2012, and failed to provide public notification of the failure to collect repeat samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)].
4. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of being notified of a distribution total coliform-positive result for the month of April 2012, and failed to provide public notification of the failure to collect one raw groundwater source sample [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(B)].
5. Failed to collect at least five routine distribution samples the month following a total coliform-positive result and failed to provide public notification of the failure to sample for the month of May 2012 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)].
6. Failed to pay all annual Public Health Service ("PHS") fees, including associated late fees and penalties for TCEQ Financial Administration ("FA") Account No. 90860003 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 10 days:
  - a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility; and
  - b. Begin complying with applicable coliform monitoring requirements by collecting all routine, repeat, and increased distribution samples, and one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants. This provision shall be satisfied upon six consecutive months of compliant monitoring.
2. Within 30 days:
  - a. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
  - b. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within 10 days of Executive Director request or of their receipt by the Facility, whichever is later; and
  - c. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90860003.
3. Submit written certification to demonstrate compliance:
  - a. Within 25 days for Technical Requirement No. 1.a.;
  - b. Within 45 days for Technical Requirements Nos. 2.a. through 2.c.; and
  - c. Within 195 days for Technical Requirement No. 1.b.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45255  
Randy L. Snapp d/b/a Fredericksburg Kamppgrounds Of America  
RN101257129  
Docket No. 2012-2128-PWS-E

**Litigation Information**

**Date Petition(s) Filed:** March 22, 2013  
**Date Green Card(s) Signed:** March 23, 2013  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Phillip M. Goodwin, P.G., Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Amy Swanholm, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Abigail Lindsey, Enforcement Division, (512) 339-2929

**TCEQ Regional Contact:** Lynn Bumguardner, San Antonio Regional Office (210) 490-3096

**Respondent:** Randy L. Snapp, Owner, Fredericksburg KOA, 5681 East US Highway 290, Fredericksburg, Texas 78624

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	15-Oct-2012			
	<b>PCW</b>	8-Feb-2013	<b>Screening</b>	18-Oct-2012	<b>EPA Due</b> 30-Sep-2012

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America				
<b>Reg. Ent. Ref. No.</b>	RN101257129				
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45255	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-2128-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Abigail Lindsey
		<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

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

Notes

**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

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 18-Oct-2012

**Docket No.** 2012-2128-PWS-E

**Respondent** Randy L. Snapp dba Fredericksburg Kamppgrounds Of America

Policy Revision 2 (September 2002)

**Case ID No.** 45255

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101257129

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Abigail Lindsey

### 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> )	2	10%
	Other written NOVs	0	0%
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	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 ( <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)** 10%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with same/similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

<b>Screening Date</b>	18-Oct-2012	<b>Docket No.</b>	2012-2128-PWS-E	<b>PCW</b>
<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	45255			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101257129			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Abigail Lindsey			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.122(c)(2)(B)

**Violation Description**

Failed to provide public notification of the failure to collect routine distribution water samples for the month of April 2011.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

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

**Percent**

Matrix Notes

100% of the rule requirement was not met.

**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**

One single event is recommended.

**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

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** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media Violation No.** Public Water Supply  
 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** The delayed costs of compliance is captured in the Economic Benefit for Violation No. 1 of the Revision 3 PCW.

**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)	\$25	1-May-2011	31-Jul-2011	1.17	\$1	\$25	\$26

**Notes for AVOIDED costs** The avoided cost includes the estimated cost to provide public notice to customers of the Facility, calculated for the dates the notice was required.

<b>Approx. Cost of Compliance</b>	\$25	<b>TOTAL</b>	\$26
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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	15-Oct-2012			
	<b>PCW</b>	8-Feb-2013	<b>Screening</b>	18-Oct-2012	<b>EPA Due</b> 30-Sep-2012

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America				
<b>Reg. Ent. Ref. No.</b>	RN101257129				
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor		

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	45255	<b>No. of Violations</b>	5		
<b>Docket No.</b>	2012-2128-PWS-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Abigail Lindsey		
		<b>EC's Team</b>	Enforcement Team 2		
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000		

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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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.

<b>Compliance History</b>	10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$50
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<b>Notes</b>	Enhancement for two NOVs with same/similar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$293	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$545	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$550
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	51.3%	<b>Adjustment</b>	\$282
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement for the cost of compliance associated with violation nos. 2, 3, and 4.
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<b>Final Penalty Amount</b>	\$832
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$832
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$832
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**Screening Date** 18-Oct-2012 **Docket No.** 2012-2128-PWS-E  
**Respondent** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Abigail Lindsey

Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011

**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> )	2	10%
	Other written NOVs	0	0%
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	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 ( <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)** 10%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 10%

<b>Screening Date</b>	18-Oct-2012	<b>Docket No.</b>	2012-2128-PWS-E	<b>PCW</b>
<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kamppgrounds Of America		Policy Revision 3 (September 2011)	
<b>Case ID No.</b>	45255	PCW Revision August 3, 2011		
<b>Reg. Ent. Reference No.</b>	RN101257129			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Abigail Lindsey			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0.0%"/>	
	<b>Release</b>	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	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="5.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<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 checked="" type="text" value="x"/>
single event	<input type="text"/>

**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** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media Violation No.** Public Water Supply  
 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	\$25	31-Dec-2011	31-May-2013	1.42	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-Sep-2012	31-May-2013	0.68	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to pay any outstanding fees so that the lab will release the nitrate/nitrite sampling results and the Respondent can provide them to the Executive Director, calculated from the last date of the monitoring period in which the nitrate/nitrite sampling results were not provided to the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, 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 \$125

**TOTAL** \$5

**Screening Date** 18-Oct-2012 **Docket No.** 2012-2128-PWS-E **PCW**  
**Respondent** Randy L. Snapp dba Fredericksburg Kampgrounds Of America *Policy Revision 3 (September 2011)*  
**Case ID No.** 45255 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN101257129  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Abigail Lindsey

**Violation Number** 2

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)

**Violation Description**

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample and failed to provide public notification of the failure to collect repeat samples for the month of April 2012.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to conduct proper repeat sampling and provide public notice may expose customers of the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

Violation Events

Number of Violation Events 1 30 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$150

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** \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$131

Violation Final Penalty Total \$250

**This violation Final Assessed Penalty (adjusted for limits)** \$250

## Economic Benefit Worksheet

**Respondent** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media Violation No.** Public Water Supply  
 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	24-Sep-2012	30-Apr-2013	0.60	\$3	n/a	\$3
Training/Sampling	\$45	24-Sep-2012	30-Apr-2013	0.60	\$1	n/a	\$1
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 update the Facility's operational guidance and to conduct employee training to ensure all required coliform distribution samples, including routine, repeat, increased distribution, and raw groundwater source Escherichia coli samples are collected, and to develop a protocol to ensure all necessary public notifications are issued in a timely manner, calculated from the record review date 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]	\$100	25-Apr-2012	26-Apr-2012	0.00	\$0	\$100	\$100
Other (as needed)	\$25	1-May-2012	31-Jul-2012	1.17	\$1	\$25	\$26

**Notes for AVOIDED costs**

The one-time avoided cost includes the estimated amount to collect all required repeat samples (\$25 per sample x 4 samples), calculated for the 24 hour period after the notice of the coliform-positive sample in April 2012 and the period public notice should have been provided.

Approx. Cost of Compliance

\$270

**TOTAL**

\$131

<b>Screening Date</b>	18-Oct-2012	<b>Docket No.</b>	2012-2128-PWS-E	<b>PCW</b>
<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45255			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101257129			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Abigail Lindsey			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)(B)

**Violation Description**

Failed to collect one raw groundwater source Escherichia coli sample from the Facility's well within 24 hours of being notified of a distribution total coliform-positive result on a routine sample and failed to provide public notification of the failure to collect one raw groundwater source sample for the month of April 2012.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

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

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to collect a triggered source monitoring sample and provide public notice may expose customers of the Facility to 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.

**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 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** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

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

Notes for DELAYED costs

The other delayed costs of compliance are captured in the Economic Benefit for Violation no. 2.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	25-Apr-2012	26-Apr-2012	0.00	\$0	\$25	\$25
Other (as needed)	\$25	1-May-2012	31-Jul-2012	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to conduct triggered source monitoring of the drinking water at the Facility (\$25 per sample), calculated for the 24 hour period after the Respondent was notified of the coliform-positive result and the period public notice should have been provided.

Approx. Cost of Compliance \$50

**TOTAL** \$51

<b>Screening Date</b>	18-Oct-2012	<b>Docket No.</b>	2012-2128-PWS-E	<b>PCW</b>
<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45255			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101257129			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Abigail Lindsey			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)

**Violation Description**

Failed to collect at least five routine distribution samples the month following a total coliform-positive result and failed to provide public notification of the failure to sample for the month of May 2012. Specifically, the Respondent took two of the five required samples.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

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

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to properly conduct increased sampling and provide public notice may expose customers of the Facility to 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.

**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 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** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media Violation No.** Public Water Supply  
 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

The other delayed costs of compliance are captured in the Economic Benefit for Violation no. 2.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$75	1-May-2012	31-May-2012	1.00	\$4	\$75	\$79
Other (as needed)	\$25	1-Jun-2012	31-Aug-2012	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to collect all required routine samples (\$25 per sample x 3) and to provide public notice of the failure to collect the required samples, calculated for the months the samples were due and the period public notice should have been provided.

Approx. Cost of Compliance

\$100

**TOTAL**

\$105

<b>Screening Date</b>	18-Oct-2012	<b>Docket No.</b>	2012-2128-PWS-E	<b>PCW</b>
<b>Respondent</b>	Randy L. Snapp dba Fredericksburg Kampgrounds Of America			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45255			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101257129			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Abigail Lindsey			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

**Violation Description**

Failed to pay all annual Public Health Service Fees, including associated late fees and penalties for TCEQ Financial Administration Account No. 90860003. Specifically, the Respondent did not pay Public Health Service Fees for fiscal year 2012.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

<i>mark only one with an x</i>	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 type="text"/>	

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**Good Faith Efforts to Comply**

Reduction

	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="checkbox"/>	(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** Randy L. Snapp dba Fredericksburg Kampgrounds Of America  
**Case ID No.** 45255  
**Reg. Ent. Reference No.** RN101257129  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)			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	N/A					

### 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	N/A					

Approx. Cost of Compliance

**TOTAL**

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN603982745, RN106267891, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603515131, Randy L. Snapp

**Classification:** UNCLASSIFIED

**Rating:** -----

**Regulated Entity:** RN101257129, FREDERICKSBURG KOA

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 5681 E US HIGHWAY 290 FREDERICKSBURG, TX 78624-6077, GILLESPIE COUNTY

**TCEQ Region:** REGION 13 - SAN ANTONIO

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY**

REGISTRATION 0860003

**Compliance History Period:** September 01, 2007 to August 31, 2012

**Rating Year:** 2012

**Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** May 16, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 18, 2007 to October 18, 2012

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Bridgett Lee

**Phone:** (512) 239-2565

## Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1 August 10, 2009 (764078)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**1 Date: 06/22/2012 (1036130) CN603515131**

Self Report? NO Classification: Moderate

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

Description: TCR Repeat Monitoring Violation 04/2012 - Failure to collect any repeats following a coliform found result.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

Description: GWR Triggered Source Monitoring Violation 04/2012 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

**2 Date: 07/23/2012 (1036130) CN603515131**

Self Report? NO Classification: Moderate

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

Description: TCR Increase Monitoring Violation 05/2012 - Failure to collect all of the 5 distribution samples following a coliform found month.

### **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  
RANDY L. SNAPP  
D/B/A FREDERICKSBURG  
KAMPGROUNDS OF AMERICA;  
RN101257129**

§  
§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2012-2128-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America ("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 5681 East US Highway 290 in Fredericksburg, Gillespie County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 65 service connections, 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 a record review conducted on September 24, 2012, TCEQ Central Office staff documented that Respondent:
  - a. Failed to provide public notification for the failure to collect routine distribution water samples for the month of April 2011;
  - b. Failed to provide the results of annual nitrate/nitrite monitoring to the Executive Director for the January 1, 2011 through December 31, 2011 monitoring period;
  - c. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample for the month of April 2012, and failed to provide public notification of the failure to sample;
  - d. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of being notified of a distribution total coliform-positive result on a routine sample for the month of April 2012, and failed to provide public notification of the failure to collect one raw groundwater source sample;
  - e. Failed to collect at least five routine distribution samples the month following a total coliform-positive result and failed to provide public notification of the failure to sample for the month of May 2012. Specifically, Respondent took two of the five required samples; and

- f. Failed to pay all annual Public Health Service ("PHS") fees, including associated late fees and penalties, for TCEQ Financial Administration ("FA") Account No. 90860003. Specifically, Respondent did not pay PHS fees for fiscal year 2012.
3. Respondent received notice of the violations on or about October 17, 2012.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America" (the "EDPRP") in the TCEQ Chief Clerk's office on March 22, 2013.
5. By letter dated March 22, 2013, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on March 23, 2013, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide public notification for the failure to collect routine distribution water samples for the month of April 2011, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(B).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of annual nitrate/nitrite monitoring to the Executive Director for the January 1, 2011 through December 31, 2011 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample for the month of April 2012, and failed to provide public notification of the failure to sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of being notified of a distribution total coliform-positive result on a routine sample for the month of April 2012, and failed to provide public notification of the failure to collect one raw groundwater source sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(B).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to collect at least five routine distribution samples the month following a total coliform-positive result and failed to provide public notification of the failure to sample for the month of May 2012, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to pay all annual PHS fees, including associated late fees and penalties for TCEQ FA Account No. 90860003, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3).

8. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
9. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
10. 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.
11. An administrative penalty in the amount of nine hundred sixty-eight dollars (\$968.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of nine hundred sixty-eight dollars (\$968.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America; Docket No. 2012-2128-PWS-E" to:

Financial Administration Division, Revenues Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Order, Respondent shall:
    - i. 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; and

- ii. Begin complying with applicable coliform monitoring requirements by collecting all routine, repeat, and increased distribution samples, and one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring.
- b. Within 25 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provision No. 3.a.i.
- c. Within 30 days after the effective date of this Order, Respondent shall:
  - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 260.106 (Inorganic Contaminants);
  - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within 10 days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants); and
  - iii. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90860003. The payment shall be sent with the notation "Re: Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America, Account No. 90860003" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
- d. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provisions Nos. 3.c.i. through 3.c.iii.
- e. Within 195 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provision No. 3.a.ii.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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 fine and imprisonment for knowing violations.”

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Bob Patton, Jr., Section Manager  
Public Drinking Water Section, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.
7. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV’T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF PHILLIP M. GOODWIN**

**STATE OF TEXAS**

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**COUNTY OF TRAVIS**

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"My name is Phillip M. Goodwin. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Randy L. Snapp d/b/a Fredericksburg Kampgrounds Of America" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 22, 2013.

The EDPRP was mailed to Respondent's last known address on March 22, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on March 23, 2013, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



Phillip M. Goodwin, P.G., Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Phillip M. Goodwin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of April, A.D. 2013.



Notary Signature

