

**Executive Summary – Enforcement Matter – Case No. 46222**  
**Vince Britten dba AOK Camper Park**  
**RN101895969**  
**Docket No. 2013-0345-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

AOK Camper Camp, 901 Spur 228, Amarillo, Potter County

**Type of Operation:**

Camp with an associated public water supply system

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 7, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,756

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

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

**Total Paid to General Revenue:** \$1,756

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46222**  
**Vince Britten dba AOK Camper Park**  
**RN101895969**  
**Docket No. 2013-0345-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** January 28, 2013  
**Date(s) of NOE(s):** February 6, 2013

***Violation Information***

1. Failed to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to comply with the maximum contaminant level for total coliform [30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
3. Failed to collect at least five distribution coliform samples for the month following a total coliform-positive sample result and failed to provide public notification of the failure to collect five distribution samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days:
  - i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples, and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility; and
  - ii. Implement procedures to ensure all necessary public notifications are provided in a timely manner to the customers of the Facility.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.ii.
- c. Within 225 days, submit written certification demonstrating compliance with Ordering Provision a.i.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Executive Summary – Enforcement Matter – Case No. 46222**  
**Vince Britten dba AOK Camper Park**  
**RN101895969**  
**Docket No. 2013-0345-PWS-E**

**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:** Jorge Ibarra, P.E., Enforcement Division,  
Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Vince Britten, President, AOK Camper Park, 900 Spur 228, Amarillo,  
Texas 79111  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

|              |                 |             |                  |             |                            |
|--------------|-----------------|-------------|------------------|-------------|----------------------------|
| <b>DATES</b> | <b>Assigned</b> | 11-Feb-2013 |                  |             |                            |
|              | <b>PCW</b>      | 13-Feb-2013 | <b>Screening</b> | 12-Feb-2013 | <b>EPA Due</b> 31-Mar-2013 |

|  |                                   |
|--|-----------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                   |
| <b>Respondent</b>                      | Vince Britten dba AOK Camper Park |
| <b>Reg. Ent. Ref. No.</b>              | RN101895969                       |
| <b>Facility/Site Region</b>            | 1-Amarillo                        |
| <b>Major/Minor Source</b>              | Minor                             |

|  |                     |                              |                    |
|--|---------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                     |                              |                    |
| <b>Enf./Case ID No.</b>                | 46222               | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2013-0345-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>      | Jorge Ibarra, P.E. |
|  |                     | <b>EC's Team</b>             | Enforcement Team 3 |
| <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* **\$1,050**

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

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

**Compliance History** **30.0%** Enhancement *Subtotals 2, 3, & 7* **\$315**

Notes: Enhancement for six NOVs with same/similar violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts **\$394**  
 Approx. Cost of Compliance **\$475**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$1,365**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **28.6%** *Adjustment* **\$391**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture avoided costs of compliance associated with Violation Nos. 1, 2, and 3.

*Final Penalty Amount* **\$1,756**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$1,756**

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

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$1,756**

**Screening Date** 12-Feb-2013

**Docket No.** 2013-0345-PWS-E

**PCW**

**Respondent** Vince Britten dba AOK Camper Park

Policy Revision 3 (September 2011)

**Case ID No.** 46222

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101895969

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Jorge Ibarra, P.E.

### 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> )  | 6                 | 30%     |
|                               | 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)** 30%

**>> 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 six NOVs with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 30%

Screening Date 12-Feb-2013

Docket No. 2013-0345-PWS-E

PCW

Respondent Vince Britten dba AOK Camper Park

Policy Revision 3 (September 2011)

Case ID No. 46222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101895969

Media [Statute] Public Water Supply

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

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

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of April 2012, May 2012, June 2012, July 2012, and November 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | x     |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes Failure to collect coliform monitoring samples could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 5

152 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$750

Five monthly events are 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$1,254

This violation Final Assessed Penalty (adjusted for limits) \$1,254

## Economic Benefit Worksheet

**Respondent** Vince Britten dba AOK Camper Park  
**Case ID No.** 46222  
**Reg. Ent. Reference No.** RN101895969  
**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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> |           |               |            |     |                |               |           |

### 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   |
| <b>ONE-TIME avoided costs [3]</b> | \$125 | 1-Apr-2012 | 30-Nov-2012 | 1.58 | \$10 | \$125 | \$135 |
| Other (as needed)                 |       |            |             | 0.00 | \$0  | \$0   | \$0   |

Notes for AVOIDED costs

The estimated avoided cost to collect a total of five routine samples (\$25 per sample), calculated for the months in which no samples were collected.

Approx. Cost of Compliance \$125

**TOTAL** \$135

Screening Date 12-Feb-2013

Docket No. 2013-0345-PWS-E

PCW

Respondent Vince Britten dba AOK Camper Park

Policy Revision 3 (September 2011)

Case ID No. 46222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101895969

Media [Statute] Public Water Supply

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.109(f)(3) and Tex. Health & Safety Code § 341.031(a)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") for total coliform for the month of August 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | x        |       |
| Potential |       |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

As a result of the exceedance, persons served by the Facility have been exposed to significant amounts of contaminants, which do not exceed levels protective of human health.

Adjustment \$850

\$150

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 \$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 \$105

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

## Economic Benefit Worksheet

**Respondent** Vince Britten dba AOK Camper Park  
**Case ID No.** 46222  
**Req. Ent. Reference No.** RN101895969  
**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

| Item Description         | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Equipment                |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Buildings                |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Engineering/construction |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Land                     |           |               |            | 0.00 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |            | 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)

| Item Description              | Item Cost | Date Required | Final Date  | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Disposal                      |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Personnel                     |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Supplies/equipment            |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Financial Assurance [2]       |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]    | \$100     | 1-Aug-2012    | 31-Aug-2012 | 1.00 | \$5            | \$100         | \$105     |
| Other (as needed)             |           |               |             | 0.00 | \$0            | \$0           | \$0       |

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional oversight to properly treat the water to prevent the presence of coliform, calculated for the month in which the exceedance occurred.

Approx. Cost of Compliance

\$100

**TOTAL**

\$105

Screening Date 12-Feb-2013

Docket No. 2013-0345-PWS-E

PCW

Respondent Vince Britten dba AOK Camper Park

Policy Revision 3 (September 2011)

Case ID No. 46222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101895969

Media [Statute] Public Water Supply

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

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

Violation Description

Failed to collect at least five distribution coliform samples for the month following a total coliform-positive sample result and failed to provide public notification of the failure to collect five distribution samples for the month of September 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential | x     |          |       |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

Failure to collect water samples for coliform analysis may expose the public to a significant amount of undetected contaminants which would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| 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 \$154

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

## Economic Benefit Worksheet

**Respondent** Vince Britten dba AOK Camper Park  
**Case ID No.** 46222  
**Req. Ent. Reference No.** RN101895969  
**Media** Public Water Supply  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

### Delayed Costs

|                          |       |             |            |      |     |     |     |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment                |       |             |            | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |            | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |            | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |             |            | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |            | 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)        | \$100 | 28-Jan-2013 | 1-Sep-2013 | 0.59 | \$3 | n/a | \$3 |

**Notes for DELAYED costs**

Estimated cost to develop a protocol to ensure all necessary public notifications are provided in a timely manner. The date required is the record review date. The final date is the estimated date of compliance.

### Avoided Costs

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

|                               |       |            |             |      |     |       |       |
|-------------------------------|-------|------------|-------------|------|-----|-------|-------|
| Disposal                      |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Supplies/equipment            |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$125 | 1-Sep-2012 | 30-Sep-2012 | 0.00 | \$0 | \$125 | \$125 |
| Other (as needed)             | \$25  | 1-Oct-2012 | 31-Dec-2012 | 1.17 | \$1 | \$25  | \$26  |

**Notes for AVOIDED costs**

The avoided costs include the estimated amount to collect the appropriate number of water samples for the month following a total-colliform positive sample result (\$25 per sample for 5 samples) and the cost to provide public notice (\$25), calculated for the period when public notification was due.

Approx. Cost of Compliance

\$250

**TOTAL**

\$154



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601210800, RN101895969, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN601210800, Vince Britten  
**Regulated Entity:** RN101895969, AOK CAMPER PARK  
**Complexity Points:** N/A  
**CH Group:** 14 - Other  
**Location:** 901 SPUR 228 AMARILLO, TX 79111-1002, POTTER COUNTY  
**TCEQ Region:** REGION 01 - AMARILLO  
**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1880033

**Classification:** UNCLASSIFIED  
**Rating:** -----  
**Classification:** NOT APPLICABLE  
**Rating:** N/A  
**Repeat Violator:** N/A

**Compliance History Period:** September 01, 2007 to August 31, 2012  
**Rating Year:** 2012  
**Rating Date:** 09/01/2012  
**Date Compliance History Report Prepared:** February 12, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** February 12, 2008 to February 12, 2013  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jorge Ibarra, P.E. **Phone:** (817) 588-5890

### 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 July 14, 2009 (759655)  
Item 2 December 30, 2010 (884934)
- 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 (1056315) CN601210800  
Self Report? NO Classification: Moderate





approximately thirty-nine service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on January 28, 2013, TCEQ staff documented that the Respondent did not collect routine distribution water samples for coliform analysis for the months of April 2012, May 2012, June 2012, July 2012, and November 2012.
3. During a record review conducted on January 28, 2013, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") for total coliform for the month of August 2012.
4. During a record review conducted on January 28, 2013, TCEQ staff documented that the Respondent did not collect at least five distribution coliform samples for the month following a total coliform-positive sample result and did not provide public notification of the failure to collect five distribution samples for the month of September 2012.
5. The Respondent received notice of the violations on February 11, 2013.

## 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 collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL for total coliform, in violation of 30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE § 341.031(a).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect at least five distribution coliform samples for the month following a total coliform-positive sample result and failed to provide public notification of the failure to collect five distribution samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A) and (f).
5. 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.

6. An administrative penalty in the amount of One Thousand Seven Hundred Fifty-Six Dollars (\$1,756) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Seven Hundred Fifty-Six Dollar (\$1,756) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Seven Hundred Fifty-Six Dollars (\$1,756) as set forth in Section II, Paragraph 6 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: Vince Britten dba AOK Camper Park, Docket No. 2013-0345-PWS-E" 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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility; and
    - ii. Implement procedures to ensure 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;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.ii., as described in Ordering Provision 2.c. below; and
- c. Within 225 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.i. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

and

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

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

7/3/13  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Vince Britten dba AOK Camper Park. I am authorized to agree to the attached Agreed Order on behalf of Vince Britten dba AOK Camper Park, 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, Vince Britten dba AOK Camper Park 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

Vince Britten  
Name (Printed or typed)

Authorized Representative of  
Vince Britten dba AOK Camper Park

3-26-13  
Date

  
Title

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