

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 40501
Yetta Hustead dba High Five Bar & Grill
RN101221240
Docket No. 2013-0359-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

6484 County Road 659, Brazoria, Brazoria County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: 2013-0936-PWS-E
Past-Due Penalties: \$2,030 (2000-0385-PWS-E; Returned Uncollectable)
\$951.61 (2010-1633-PWS-E; Referred for Collection)
Past-Due Fees: \$151.81 (Acct. No. 90200492)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: August 2, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,200

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,200

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: \$5 upward adjustment

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: October 12, 2012; February 14, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): January 25, 2013

Yetta Hustead dba High Five Bar & Grill

RN101221240

Docket No. 2013-0359-PWS-E

Violation Information

1. Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iii].
2. Failed to provide a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iv].
3. Failed to provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.ii].
4. Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.d.ii].
5. Failed to pay Public Health Service ("PHS") fees, including late fees, for TCEQ Financial Administration ("FA") Account No. 90200492 for Fiscal Years 2012 and 2013 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements**Technical Requirements:**

1. Within 30 days, submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90200492.
2. Within 60 days:
 - a. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements;
 - b. Begin maintaining an up-to-date and thorough plant operation manual for operator review and reference; and
 - c. Provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well.
3. Within 75 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 2.a. through 2.c.
4. Within 90 days, either obtain a sanitary control easement that covers all property within 150 feet of the Facility's well, or obtain an exception to the requirement.
5. Within 105 days, submit written certification to demonstrate compliance with Technical Requirement No. 4.

Litigation Information

Date Petition(s) Filed: April 22, 2013; May 13, 2013
Date Green Card(s) Signed: Unclaimed; Unclaimed
Date Answer(s) Filed: N/A

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 40501
Yetta Hustead dba High Five Bar & Grill
RN101221240
Docket No. 2013-0359-PWS-E

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Epi Villarreal, Enforcement Division, (361) 825-3425

TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3500

Respondent: Yetta Hustead, 7805 Farm-to-Market Road 2918, Brazoria, Texas 77422

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Feb-2013	Screening	14-Feb-2013	EPA Due	
	PCW	14-Feb-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Yetta Hustead dba High Five Bar & Grill		
Reg. Ent. Ref. No.	RN101221240		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40501	No. of Violations	5
Docket No.	2013-0359-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,130
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	50.0% Enhancement	Subtotals 2, 3, & 7	\$1,065
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Notes	Enhancement for two default orders.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$81	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$530	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,195
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$3,195
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,200
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$3,200
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Screening Date 14-Feb-2013

Docket No. 2013-0359-PWS-E

PCW

Respondent Yetta Husted dba High Five Bar & Grill

Policy Revision 3 (September 2011)

Case ID No. 40501

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221240

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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>)	0	0%
	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	2	50%
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) 50%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two default orders.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 50%

Screening Date 14-Feb-2013 **Docket No.** 2013-0359-PWS-E **PCW**
Respondent Yetta Husted dba High Five Bar & Grill *Policy Revision 3 (September 2011)*
Case ID No. 40501 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101221240
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iii.

Violation Description Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

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

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

Violation Base Penalty

Eighteen monthly events are recommended, from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, September 2, 2011, to the date of screening, February 14, 2013.

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 Yetta Hustead dba High Five Bar & Grill
Case ID No. 40501
Reg. Ent. Reference No. RN101221240
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	2-Sep-2011	1-Nov-2013	2.17	\$1	\$26	\$27
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the estimated amount to develop and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, 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 \$180

TOTAL \$27

Screening Date 14-Feb-2013

Docket No. 2013-0359-PWS-E

PCW

Respondent Yetta Husted dba High Five Bar & Grill

Policy Revision 3 (September 2011)

Case ID No. 40501

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221240

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iv.

Violation Description Failed to provide a plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 18 531 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$900

Eighteen monthly events are recommended, from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, September 2, 2011, to the date of screening, February 14, 2013.

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 \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent Yetta Husted dba High Five Bar & Grill
Case ID No. 40501
Reg. Ent. Reference No. RN101221240
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	2-Sep-2011	1-Nov-2013	2.17	\$1	\$26	\$27
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the estimated amount necessary to compile a plant operations manual, calculated from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, 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 \$180

TOTAL \$27

Screening Date 14-Feb-2013

Docket No. 2013-0359-PWS-E

PCW

Respondent Yetta Hustead dba High Five Bar & Grill

Policy Revision 3 (September 2011)

Case ID No. 40501

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221240

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.ii.

Violation Description

Failed to provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to have a well casing vent could result in inadequate venting of the well, which could expose customers of the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 6

531 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$300

Six quarterly events are recommended from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, September 2, 2011, to the date of screening, February 14, 2013.

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent Yetta Husted dba High Five Bar & Grill
Case ID No. 40501
Reg. Ent. Reference No. RN101221240
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	2-Sep-2011	1-Nov-2013	2.17	\$1	\$22	\$23
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to install a well casing vent, calculated from effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, to the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$150 **TOTAL** \$23

Screening Date 14-Feb-2013

Docket No. 2013-0359-PWS-E

PCW

Respondent Yetta Husted dba High Five Bar & Grill

Policy Revision 3 (September 2011)

Case ID No. 40501

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221240

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.d.ii.

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to have a sanitary control easement in place could expose the customers of the Facility to insignificant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1

531 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$30

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$45

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Yetta Hustead dba High Five Bar & Grill
Case ID No. 40501
Reg. Ent. Reference No. RN101221240
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20	2-Sep-2011	1-Dec-2013	2.25	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to obtain a sanitary control easement, calculated from the effective date of TCEQ Default Order Docket No. 2010-1633-PWS-E, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$20

TOTAL \$3

Screening Date 14-Feb-2013

Docket No. 2013-0359-PWS-E

PCW

Respondent Yetta Husted dba High Five Bar & Grill

Policy Revision 3 (September 2011)

Case ID No. 40501

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221240

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 90200492 for Fiscal Years 2012 and 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

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

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Yetta Hustead dba High Five Bar & Grill
Case ID No. 40501
Reg. Ent. Reference No. RN101221240
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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 \$0

TOTAL \$0

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 CN600662647, RN101221240, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN600662647, HUSTEAD, YETTA

Classification: NOT APPLICABLE

Rating: N/A

or Owner/Operator:

Regulated Entity: RN101221240, HIGH FIVE BAR & GRILL

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 6484 County Road 659, BRAZORIA, BRAZORIA COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200492

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

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: February 14, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 14, 2008 to February 14, 2013

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

Name: EPI VILLARREAL

Phone: (361) 825-3425

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:

1 Effective Date: 05/04/2008

ADMINORDER 2006-0944-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of September and November 2004, and June 2005, as well as failed to provide notice for those events.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to collect four repeat samples following each total coliform-positive sample found on a routine sample during the month of August 2005 and failed to provide notice.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: Failure to collect at least five distribution samples the month following a total coliform-positive result during the month of September 2005 and failed to provide public notice.

2 Effective Date: 09/02/2011

ADMINORDER 2010-1633-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)(C)(ii)

Description: Failed to measure the free chlorine residual within the distribution system using a test kit that employs a diethyl-p-phenyldiamine ("DPD") colorimetric method.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.

Classification: Moderate

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

Description: Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's well.

Classification: Minor

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

Description: Failed to provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, and is elevated and located so as to minimize the drawing of contaminants into the well.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to provide a pressure tank capacity of at least 220 gallons.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)
30 TAC Chapter 290, SubChapter F 290.122(b)
Description: Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failed to provide a plant operations manual for operator review and reference.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failed to ensure the building that encloses the pressure maintenance facilities remains locked when unattended.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
YETTA HUSTEAD DBA
HIGH FIVE BAR & GRILL;
RN101221240**

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§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-0359-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. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, 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 Yetta Hustead dba High Five Bar & Grill ("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 6484 County Road 659 in Brazoria, Brazoria County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1 service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on October 12, 2012, a TCEQ Houston Regional Office investigator documented that Respondent:
 - a. Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;
 - b. Failed to provide a plant operations manual for operator review and reference;
 - c. Failed to provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well; and
 - d. Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's well.
3. During a record review conducted on February 14, 2013, a TCEQ Central Office investigator documented that Respondent failed to pay public health service ("PHS") fees, including late fees, for TCEQ Financial Administration ("FA") Account No. 90200492 for Fiscal Years 2012 and 2013.

4. Respondent received notice of the violations in Finding of Fact No. 2 on or about January 30, 2013. Respondent received notice of the violation in Finding of Fact No. 3 on or about May 18, 2013.
5. 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 Yetta Husted dba High Five Bar & Grill" (the "EDPRP") in the TCEQ Chief Clerk's office on April 22, 2013.
6. The EDPRP was mailed to Respondent's last known address on April 22, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on May 13, 2013.
8. By letter dated May 13, 2013, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
9. 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. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(I) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.iv.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.c.ii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Default Order Docket No. 2010-1633-PWS-E, Ordering Provision No. 3.d.ii.

6. As evidenced by Finding of Fact No. 3, Respondent failed to pay PHS fees, including late fees, for TCEQ FA Account No. 90200492 for Fiscal Years 2012 and 2013, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
7. As evidenced by Findings of Fact Nos. 5, 6, 7 and 8, 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(c)(2).
8. As evidenced by Finding of Fact No. 9, 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.
9. 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.
10. An administrative penalty in the amount of three thousand two hundred dollars (\$3,200.00) 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.
11. 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 three thousand two hundred dollars (\$3,200.00) 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: Yetta Hustead dba High Five Bar & Grill; Docket No. 2013-0359-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 30 days after the effective date of this Order, Respondent shall submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 90200492. The payment shall be sent with the notation "Yetta Hustead dba High Five Bar & Grill, Financial Administration Account No. 90200492" 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

- b. Within 60 days after the effective date of this Order, Respondent shall:
- i. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Begin maintaining an up-to-date and thorough plant operation manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Provide the well with a casing vent that has an opening that is covered with a 16-mesh or finer corrosion-resistant screen facing downward, and that is elevated and located so as to minimize the drawing of contaminants into the well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- c. Within 75 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.b.i. through 3.b.iii.
- d. Within 90 days after the effective date of this Order, Respondent shall either obtain a sanitary control easement that covers all property within 150 feet of the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(I). Exception requests shall be submitted to:

Technical Review & Oversight Team
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- e. Within 105 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.d.
- 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

For the Commission

AFFIDAVIT OF JENNIFER COOK

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Jennifer Cook. 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 Yetta Husted dba High Five Bar & Grill" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 22, 2013.

The EDPRP was mailed to Respondent's last known address on April 22, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on May 13, 2013.

The EDPRP was mailed to Respondent's last known address on May 13, 2013, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

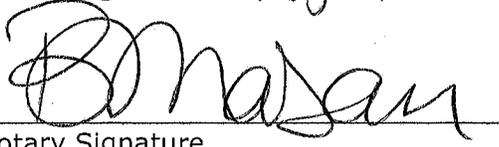
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



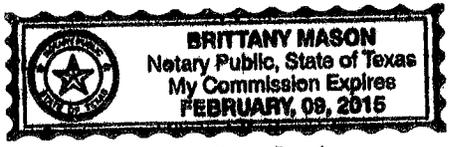
Jennifer Cook, Special Counsel
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 5th day of August, A.D. 2013.



Notary Signature



Notary without Bond