

Executive Summary – Enforcement Matter – Case No. 43025
The Original Adventure Camp Inc
RN101194561
Docket No. 2014-0468-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Y.O. Adventure Camp, 1736 Y.O. Ranch Road near Mountain Home, Kerr County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 1, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,183

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,183

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$63

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 9, 2013 and February 3, 2014 through February 21, 2014

Date(s) of NOE(s): January 15, 2014 and February 21, 2014

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The Original Adventure Camp Inc
RN101194561
Docket No. 2014-0468-PWS-E

Violation Information

1. Failed to complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples [30 TEX. ADMIN. CODE § 290.116(b)(2) and TCEQ Agreed Order Docket No. 2011-2174-PWS-E, Ordering Provision No. 2.d.].
2. Failed to collect one raw groundwater source *Escherichia coli* sample from all active sources within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
3. Failed to collect a set of repeat distribution coliform samples within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].
4. Failed to collect at least five routine distribution coliform samples the month following a total coliform-positive sample result [30 TEX. ADMIN. CODE § 290.109(c)(2)(F)].
5. Failed to timely provide public notification regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By March 4, 2014, provided public notification regarding the failure to conduct routine coliform monitoring for the months of January and December 2012; and
- b. On March 14, 2014, collected one raw groundwater source *Escherichia coli* sample from all active sources.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin complying with applicable coliform monitoring requirements by collecting the required number of routine, increased and repeat distribution coliform samples and providing water that meets the provisions regarding microbial contaminants. This

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provision will be satisfied upon six consecutive months of compliant monitoring and reporting; and

ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to providing public notification regarding the failure to conduct repeat coliform monitoring.

b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.ii.

c. Within 120 days, implement one or more of the corrective action procedures to address the acute maximum contaminant level exceedances.

d. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision c.

e. Within 225 days, submit written certification to demonstrate compliance with Ordering Provision a.i.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Alex S. Tradd II, General Manager, The Original Adventure Camp Inc, 924 Jefferson Street, Kerrville, Texas 78028

Walter Schreiner, Director, The Original Adventure Camp Inc, 924 Jefferson Street, Kerrville, Texas 78028

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	17-Mar-2014	Screening	26-Mar-2014	EPA Due	31-Mar-2014
	PCW	7-May-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Original Adventure Camp Inc
Reg. Ent. Ref. No.	RN101194561
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	5
Enf./Case ID No.	43025	Order Type	Findings
Docket No.	2014-0468-PWS-E	Government/Non-Profit	No
Media Program(s)	Public Water Supply	Enf. Coordinator	Katy Montgomery
Multi-Media		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for five NOV's with the same/similar violations and one agreed order without a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided costs of compliance associated with Violation Nos. 3 and 4.

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: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 26-Mar-2014

Docket No. 2014-0468-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

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>)	5	25%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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 five NOVs with the same/similar violations and one agreed order without a denial of liability.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 50%

Screening Date 26-Mar-2014

Docket No. 2014-0468-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.116(b)(2) and TCEQ Agreed Order Docket No. 2011-2174-PWS-E, Ordering Provision No. 2.d.

Violation Description

Failed to complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples. Specifically, it was documented that the Respondent was notified of the fecal indicator-positive sample results on September 28, 2013 and corrective action was not completed within 120 days.

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

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

409 Number of violation days

daily	
weekly	
monthly	
quarterly	
Semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent The Original Adventure Camp Inc
Case ID No. 43025
Req. Ent. Reference No. RN101194561
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	10-Feb-2013	31-Jan-2015	1.97	\$4	\$79	\$83
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to implement corrective action procedures, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-2174-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

\$600

TOTAL

\$83

Screening Date 26-Mar-2014

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PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description Failed to collect one raw groundwater source Escherichia coli sample from all active sources within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample collected for the month of October 2013.

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 collect raw groundwater source samples could result in customers of the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 31

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

10.0% Reduction

\$15

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

Notes The Respondent achieved compliance on March 14, 2014.

Violation Subtotal \$135

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$257

This violation Final Assessed Penalty (adjusted for limits) \$257

Economic Benefit Worksheet

Respondent The Original Adventure Camp Inc
Case ID No. 43025
Reg. Ent. Reference No. RN101194561
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

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	\$25	22-Oct-2013	14-Mar-2014	0.39	\$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 conduct triggered source monitoring of the drinking water (\$25 per sample), calculated from the date of notification of the coliform-positive sample result to the date the sample was collected.

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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 26-Mar-2014

Docket No. 2014-0468-PWS-E

PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

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

Violation Description

Failed to collect a set of repeat distribution coliform samples within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample for the month of October 2013 and failed to provide public notification regarding the failure to collect repeat distribution coliform samples.

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 conduct repeat coliform monitoring could result in customers of the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 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 \$109

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent The Original Adventure Camp Inc
Case ID No. 43025
Reg. Ent. Reference No. RN101194561
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	3-Feb-2014	31-Oct-2014	0.74	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner, 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]	\$100	22-Oct-2013	23-Oct-2013	0.00	\$0	\$100	\$100
Other (as needed)	\$5	24-Oct-2013	23-Jan-2014	1.17	\$0	\$5	\$5

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct repeat coliform monitoring (\$25 per sample x 4 missed samples) and to provide public notification regarding the failure to conduct repeat coliform monitoring (\$5 per notification), calculated for the 24 hour period after the coliform-positive sample result and for the period public notification was required.

Approx. Cost of Compliance

\$205

TOTAL

\$109

Screening Date 26-Mar-2014

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PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(F)

Violation Description

Failed to collect at least five routine distribution coliform samples the month following a total coliform-positive sample result for the month of November 2013. Specifically, the Respondent collected one of the five required routine distribution coliform samples.

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 increased coliform monitoring could result in customers of the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 31

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 EDRP/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 \$100

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent The Original Adventure Camp Inc
Case ID No. 43025
Reg. Ent. Reference No. RN101194561
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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Nov-2013	30-Nov-2013	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct increased coliform monitoring (\$25 per sample x 4 missed samples), calculated for the period monitoring was required.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 26-Mar-2014

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PCW

Respondent The Original Adventure Camp Inc

Policy Revision 3 (September 2011)

Case ID No. 43025

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101194561

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description Failed to timely provide public notification regarding the failure to conduct routine coliform monitoring for the months of January and December 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 2 Number of violation days 178

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$20

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$20

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$37

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent The Original Adventure Camp Inc
Case ID No. 43025
Reg. Ent. Reference No. RN101194561
Media Violation No. Public Water Supply
 5

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	\$5	1-Feb-2012	30-Apr-2012	0.24	\$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)	\$5	1-Jan-2013	31-Mar-2013	0.24	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the estimated amount to timely provide public notifications (\$5 per notification) for the failure to conduct routine coliform monitoring, calculated for the periods in which public notifications were required. The other delayed costs of compliance are captured in the Economic Benefit Worksheet for Violation No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

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.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600640346, RN101194561, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600640346, The Original Adventure Camp Inc **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101194561, Y.O. ADVENTURE CAMP **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 1736 Y.O. RANCH ROAD NEAR MOUNTAIN HOME, KERR COUNTY, TEXAS

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1330116

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: March 26, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 26, 2009 to March 26, 2014

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

Name: Katy Montgomery

Phone: (210) 403-4016

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: 02/10/2013 ADMINORDER 2011-2174-PWS-E (Findings Order-Agreed Order Without Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(1)(A)
5A THSC Chapter 341, SubChapter A 341.031(a)
 - Description: TCR AMCL Violation 10/2010 - System received an Acute Maximum Contaminant Level (AMCL) Violation.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)
 - Description: GWR Corrective Action Violation 03/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)
 - Description: GWR Corrective Action Violation 05/2011 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)
 - Description: GWR Corrective Action PN 03/2011 - Failure to post public notice for failure to take corrective action following a fecal positive source sample.

Classification: Moderate

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

Description: GWR Corrective Action PN 05/2011 - Failure to post public notice for failure to take corrective action following a fecal positive source sample.

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.

- 1 Date: 04/25/2013 (1150937) CN600640346
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DEC 2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.
- 2 Date: 12/12/2013 (1150937) CN600640346
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: TCR Repeat MR Violation 10/2013 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline.
- 3 Date: 01/09/2014 (1150937) CN600640346
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: GWR Triggered Source MR Violation 10/2013 - Failure to collect and/or report any triggered source monitoring samples following a coliform found result for 1 source within the required timeline.
- 4 Date: 01/16/2014 (1150937) CN600640346
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: TCR Increase MR Violation 11/2013 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.
- 5 Date: 02/13/2014 (1150937) CN600640346
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.116(b)(2)
Description: GWR Corrective Action Violation 09/2013 - Failure to complete the corrective action or be in compliance with an approved corrective action plan and schedule within 120 day of receiving notification from a laboratory of a fecal indicator positive source sample.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THE ORIGINAL ADVENTURE CAMP	§	
INC	§	ENVIRONMENTAL QUALITY
RN101194561	§	

AGREED ORDER
DOCKET NO. 2014-0468-PWS-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1736 Y.O. Ranch Road near Mountain Home, Kerr County, Texas (the "Facility") that has approximately four service connections and serves at least 25 people per day for at least 60 days per year.

2. During record reviews conducted on December 9, 2013 and February 3, 2014 through February 21, 2014, TCEQ staff documented that the Respondent was notified of the fecal indicator-positive sample results on September 28, 2013 and corrective action was not completed within 120 days.
3. During a record review conducted on February 3, 2014 through February 21, 2014, TCEQ staff documented that the Respondent did not collect one raw groundwater source *Escherichia coli* sample from all active sources within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample for the month of October 2013.
4. During a record review conducted on February 3, 2014 through February 21, 2014, TCEQ staff documented that the Respondent did not collect a set of repeat distribution coliform samples within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample for the month of October 2013 and did not provide public notification regarding the failure to collect repeat distribution coliform samples.
5. During a record review conducted on February 3, 2014 through February 21, 2014, TCEQ staff documented that the Respondent collected one of the five required routine distribution coliform samples.
6. During a record review conducted on February 3, 2014 through February 21, 2014, TCEQ staff documented that the Respondent did not timely provide public notification regarding the failure to conduct routine coliform monitoring for the months of January and December 2012.
7. The Respondent received notice of the violations on January 17, 2014 and February 26, 2014.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By March 4, 2014, provided public notification regarding the failure to conduct routine coliform monitoring for the months of January and December 2012; and
 - b. On March 14, 2014, collected one raw groundwater source *Escherichia coli* sample from all active sources.

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 complete corrective action or be in compliance with an approved corrective action plan and schedule within 120 days of receiving notification from a laboratory of fecal indicator-positive raw groundwater source samples, in violation of 30 TEX. ADMIN. CODE § 290.116(b)(2) and TCEQ Agreed Order Docket No. 2011-2174-PWS-E, Ordering Provision No. 2.d.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect one raw groundwater source *Escherichia coli* sample from all active sources within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of notification of a distribution total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect at least five routine distribution coliform samples the month following a total coliform-positive sample result, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(F).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to timely provide public notification regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
7. 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.
8. An administrative penalty in the amount of One Thousand One Hundred Eighty-Three Dollars (\$1,183) 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 One Hundred Eighty-Three Dollar (\$1,183) 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 One Hundred Eighty-Three Dollars (\$1,183) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this

administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Original Adventure Camp Inc, Docket No. 2014-0468-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 the required number of routine, increased and repeat distribution coliform 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; and
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to providing public notification regarding the failure to conduct repeat coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.ii.;
 - c. Within 120 days after the effective date of this Agreed Order, implement one or more of the corrective action procedures described in 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(E) and 290.116(b)(5) to address the acute maximum contaminant level exceedances, in accordance with 30 TEX. ADMIN. CODE § 290.116;
 - d. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.; and

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

The certification shall be submitted to:

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

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, 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

Pamela Alvarez
For the Executive Director

9/25/14
Date

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

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

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

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

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

Alex S. Tradd
Signature *General Manager*

7/7/14
Date

ALEX S. TRADD
Name (Printed or typed)
Authorized Representative of
The Original Adventure Camp Inc

7/7/14
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.

SEE ATTACHED ORDER