

**Executive Summary – Enforcement Matter – Case No. 47975  
PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba  
Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53  
RN102678240 and RN101450328  
Docket No. 2013-2119-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

PWS

**Small Business:**

No

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

Pinkie's Mini Mart 51 Facility, 1208 Farm-to-Market Road ("FM") 1729, Lubbock County

Pinkie's Mini Mart 53 Facility, 5705 East FM Road 835, Lubbock 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:** April 11, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$2,808

**Amount Deferred for Expedited Settlement:** \$2,808

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

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

**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:** N/A

**Applicable Penalty Policy:** September 2011

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Docket No. 2013-2119-PWS-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** September 30, 2013 and October 21, 2013

**Date(s) of NOE(s):** October 30, 2013 and November 13, 2013

***Violation Information***

1. Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate at the Pinkie's Mini Mart 51 Facility [30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
2. Failed to comply with the acute MCL of 10 mg/L for nitrate at the Pinkie's Mini Mart 53 Facility [30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

At the Pinkie's Mini Mart 51 Facility, the Order will require the Respondents to:

- a. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondents purchase or sell water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study;
- b. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology;

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**RN102678240 and RN101450328**  
**Docket No. 2013-2119-PWS-E**

d. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;

e. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.;

f. Within 1,095 days, return to compliance with the acute MCL for nitrate; and

g. Within 1,110 days, submit written certification to demonstrate compliance with Ordering Provision f.

At the Pinkie's Mini Mart 53 Facility, the Order will require the Respondents to:

a. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondents purchase or sell water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study;

b. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision a.;

c. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology;

d. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;

e. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision c.;

f. Within 1,095 days, return to compliance with the acute MCL for nitrate; and

g. Within 1,110 days, submit written certification to demonstrate compliance with Ordering Provision f.

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PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba  
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RN102678240 and RN101450328  
Docket No. 2013-2119-PWS-E**

***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:** Lisa Westbrook, Enforcement Division,  
Enforcement Team 2, MC 169, (512) 239-1160; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Austin R. Keith, President, PINKIE'S, INC., 1426 East 8th Street,  
Odessa, Texas 79761  
Carol Fritz, Landowner, Pinkies Mini Mart 51 and dba Pinkies Mini Mart 53, 5815 East  
FM 835, Lubbock, Texas 79403  
David Fritz, Landowner, Pinkies Mini Mart 51 and dba Pinkies Mini Mart 53, 6226  
Lynnhaven Drive, Lubbock, Texas 79413  
Kenneth Fritz, Landowner, Pinkies Mini Mart 51 and dba Pinkies Mini Mart 53, 2308 FM  
1729, Lubbock, Texas 79403  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	18-Nov-2013	<b>Screening</b>	25-Nov-2013	<b>EPA Due</b>	31-Dec-2012
	<b>PCW</b>	23-Dec-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51
<b>Reg. Ent. Ref. No.</b>	RN102678240
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	47975	<b>Order Type</b>	Findings
<b>Docket No.</b>	2013-2119-PWS-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Lisa Westbrook
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
<b>Compliance History</b>	17.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$255

Notes: Enhancement for three NOV's with same/similar violations and one NOV with dissimilar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondents do not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$13,778
Approx. Cost of Compliance	\$40,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,755
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$1,755
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,755
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,755
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Screening Date 25-Nov-2013

Docket No. 2013-2119-PWS-E

PCW

PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz,  
and David L. Fritz dba Pinkie's Mini Mart 51

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Respondent  
Case ID No. 47975

Reg. Ent. Reference No. RN102678240

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 17%

>> Repeat Violator (Subtotal 3)

N/A

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

>> Compliance History Person Classification (Subtotal 7)

N/A

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

>> Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 17%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 17%

Screening Date 25-Nov-2013

Docket No. 2013-2119-PWS-E

PCW

Respondent PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Case ID No. 47975  
Reg. Ent. Reference No. RN102678240

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, at the time of the record review, it was documented that the single sample concentrations for nitrate were 15 mg/L for the second quarter of 2012, 16 mg/L for the third quarter of 2012, 12 mg/L for the first quarter of 2013, 17 mg/L for the second quarter of 2013, and 17 mg/L for the third quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Exceeding the acute MCL for nitrate caused the customers of the Facility to be exposed to pollutants which exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 5 Number of violation days 454

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,500

Five quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13,778

Violation Final Penalty Total \$1,755

This violation Final Assessed Penalty (adjusted for limits) \$1,755

## Economic Benefit Worksheet

**Respondent** PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51

**Case ID No.** 47975

**Reg. Ent. Reference No.** RN102678240

**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
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No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Jun-2012	31-May-2017	4.92	\$656	\$13,121	\$13,778
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the first quarter of non-compliance 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**

\$40,000

**TOTAL**

\$13,778

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# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600699961, RN102678240, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600699961, PINKIE'S, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102678240, PINKIES MINI MART 51 **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1208 FARM-TO-MARKET ROAD 1729, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520204

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

**Date Compliance History Report Prepared:** November 25, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 25, 2008 to November 25, 2013

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

**Name:** Lisa Westbrook **Phone:** (512) 239-1160

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
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:	02/22/2013 (1129056)	CN600699961
	Self Report?	NO	Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060210) CN600699961  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide a proper seal on the well per Title 30 TAC 290, Section 290.41(c)(3)(K).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1129056) CN600699961  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1129056) CN600699961  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 08/01/2013.

**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



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395939, RN102678240, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395939, Carol Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Regulated Entity:** RN102678240, PINKIES MINI MART 51      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 1208 FARM-TO-MARKET ROAD 1729, LUBBOCK COUNTY, TEXAS  
**TCEQ Region:** REGION 02 - LUBBOCK  
**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520204  
**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 25, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 25, 2008 to November 25, 2013  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Lisa Westbrook      **Phone:** (512) 239-1160

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
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: 02/22/2013 (1129056)      CN604395939  
Self Report? NO      Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060210) CN604395939  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide a proper seal on the well per Title 30 TAC 290, Section 290.41(c)(3)(K).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1129056) CN604395939  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1129056) CN604395939  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 08/01/2013.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395970, RN102678240, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395970, Kenneth Wayne Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN102678240, PINKIES MINI MART 51      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1208 FARM-TO-MARKET ROAD 1729, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520204

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

**Date Compliance History Report Prepared:** November 25, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 25, 2008 to November 25, 2013

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

**Name:** Lisa Westbrook

**Phone:** (512) 239-1160

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

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: 02/22/2013 (1129056)      CN604395970  
Self Report? NO      Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060210) CN604395970  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide a proper seal on the well per Title 30 TAC 290, Section 290.41(c)(3)(K).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1129056) CN604395970  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1129056) CN604395970  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 08/01/2013.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395947, RN102678240, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395947, David L. Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN102678240, PINKIES MINI MART 51      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1208 FARM-TO-MARKET ROAD 1729, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520204

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

**Date Compliance History Report Prepared:** November 25, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 25, 2008 to November 25, 2013

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

**Name:** Lisa Westbrook

**Phone:** (512) 239-1160

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

N/A

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

N/A

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

N/A

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

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: 02/22/2013 (1129056)      CN604395947  
Self Report? NO      Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060210) CN604395947  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to provide a proper seal on the well per Title 30 TAC 290, Section 290.41(c)(3)(K).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1129056) CN604395947  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1129056) CN604395947  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 08/01/2013.

**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



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	4-Nov-2013	<b>Screening</b>	25-Nov-2013	<b>EPA Due</b>	30-Sep-2013
	<b>PCW</b>	23-Dec-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 53				
<b>Reg. Ent. Ref. No.</b>	RN101450328				
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	47975	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2013-2119-PWS-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lisa Westbrook	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$900**

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

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

**Compliance History** **17.0%** Enhancement **Subtotals 2, 3, & 7** **\$153**

Notes: Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.

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

Notes: The Respondents do not meet the culpability criteria.

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

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

Total EB Amounts \$11,676  
Approx. Cost of Compliance \$40,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$1,053**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$1,053**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,053**

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

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

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$1,053**

**Respondent** PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz,  
and David L. Fritz dba Pinkie's Mini Mart 53

Policy Revision 3 (September 2011)

**Case ID No.** 47975

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101450328

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Lisa Westbrook

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 17%

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

N/A

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

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 17%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 17%

Screening Date 25-Nov-2013

Docket No. 2013-2119-PWS-E

PCW

Respondent PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 53

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

Case ID No. 47975

Reg. Ent. Reference No. RN101450328

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, at the time of the record review, it was documented that the single sample concentrations for nitrate were 12 mg/L for the first quarter of 2013, 19 mg/L for the second quarter of 2013, and 18 mg/L for the third quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Exceeding the acute MCL for nitrate caused the customers of the Facility to be exposed to pollutants which exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 3 Number of violation days 272

Table for frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$900

Three quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,676

Violation Final Penalty Total \$1,053

This violation Final Assessed Penalty (adjusted for limits) \$1,053

# Economic Benefit Worksheet

**Respondent** PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 53

**Case ID No.** 47975

**Reg. Ent. Reference No.** RN101450328

**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**

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)	\$40,000	31-Mar-2013	31-May-2017	4.17	\$556	\$11,120	\$11,676
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the first quarter of non-compliance to the estimated date of compliance.

**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

\$40,000

**TOTAL**

\$11,676

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# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600699961, RN101450328, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600699961, PINKIE'S, INC. **Classification:** NOT APPLICABLE **Rating:** N/A  
**Regulated Entity:** RN101450328, PINKIES MINI MART 53 **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 5705 EAST FARM-TO-MARKET ROAD 835, LUBBOCK COUNTY, TEXAS  
**TCEQ Region:** REGION 02 - LUBBOCK  
**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520135  
**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 25, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 25, 2008 to November 25, 2013  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Lisa Westbrook **Phone:** (512) 239-1160

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
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: 02/08/2013 (1123672) CN600699961  
Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060217) CN600699961  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1123672) CN600699961  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 19 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1123672) CN600699961  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 18 mg/L collected on 08/01/2013.

**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



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395939, RN101450328, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395939, Carol Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Regulated Entity:** RN101450328, PINKIES MINI MART 53      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 5705 EAST FARM-TO-MARKET ROAD 835, LUBBOCK COUNTY, TEXAS  
**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520135  
**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 25, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 25, 2008 to November 25, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Lisa Westbrook      **Phone:** (512) 239-1160

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

- A. Final Orders, court judgments, and consent decrees:**  
N/A
- B. Criminal convictions:**  
N/A
- C. Chronic excessive emissions events:**  
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
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: 02/08/2013 (1123672)      CN604395939  
Self Report? NO      Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060217) CN604395939  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1123672) CN604395939  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 19 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1123672) CN604395939  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 18 mg/L collected on 08/01/2013.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395970, RN101450328, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395970, Kenneth Wayne Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Regulated Entity:** RN101450328, PINKIES MINI MART 53      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 5705 EAST FARM-TO-MARKET ROAD 835, LUBBOCK COUNTY, TEXAS  
**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520135  
**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** November 25, 2013  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** November 25, 2008 to November 25, 2013

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

**Name:** Lisa Westbrook      **Phone:** (512) 239-1160

### **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

N/A

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

N/A

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

N/A

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

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: 02/08/2013 (1123672)      CN604395970  
Self Report? NO      Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060217) CN604395970  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1123672) CN604395970  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 19 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1123672) CN604395970  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 18 mg/L collected on 08/01/2013.

**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



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN604395947, RN101450328, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604395947, David L. Fritz      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101450328, PINKIES MINI MART 53      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 5705 EAST FARM-TO-MARKET ROAD 835, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520135

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

**Date Compliance History Report Prepared:** November 25, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 25, 2008 to November 25, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Lisa Westbrook      **Phone:** (512) 239-1160

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

N/A

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

N/A

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

N/A

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

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:	02/08/2013 (1123672)	CN604395947
	Self Report?	NO	Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

Description: NO3 AMCL 1Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 02/05/2013.

- 2 Date: 03/28/2013 (1060217) CN604395947  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
Description: Failure to maintain Disinfection Level Quarterly Operating Reports (DLQORs).
- 3 Date: 05/17/2013 (1123672) CN604395947  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 2Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 19 mg/L collected on 05/02/2013.
- 4 Date: 08/28/2013 (1123672) CN604395947  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 18 mg/L collected on 08/01/2013.

**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	§	
PINKIE'S INC., CAROL FRITZ,	§	
KENNETH WAYNE FRITZ, AND	§	TEXAS COMMISSION ON
DAVID L. FRITZ DBA PINKIE'S MINI	§	
MART 51 AND DBA PINKIE'S MINI	§	
MART 53	§	
RN102678240	§	
RN101450328	§	ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2013-2119-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 PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53 (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have 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 Respondents agree 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 Respondents.

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

## I. FINDINGS OF FACT

1. The Respondents own and operate public water supplies at the following locations:
  - a. 1208 Farm-to-Market Road 1729 in Lubbock County, Texas ("Pinkie's Mini Mart 51 Facility") that has approximately two service connections and serves at least 25 people per day for at least 60 days per year; and
  - b. 5705 East Farm-to-Market Road 835 in Lubbock County, Texas ("Pinkie's Mini Mart 53 Facility") that has approximately two service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on October 21, 2013, TCEQ staff documented that the single sample concentrations for nitrate were 15 milligrams per liter ("mg/L") for the second quarter of 2012, 16 mg/L for the third quarter of 2012, 12 mg/L for the first quarter of 2013, 17 mg/L for the second quarter of 2013, and 17 mg/L for the third quarter of 2013 at the Pinkie's Mini Mart 51 Facility.
3. During a record review conducted on September 30, 2013 for the Pinkie's Mini Mart 53 Facility, TCEQ staff documented that the single sample concentrations for nitrate were 12 mg/L for the first quarter of 2013, 19 mg/L for the second quarter of 2013, and 18 mg/L for the third quarter of 2013 at the Pinkie's Mini Mart 53 Facility.
4. The Respondents received notice of the violations on November 4, 2013 and November 22, 2013.

## II. CONCLUSIONS OF LAW

1. The Respondents are 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 Respondents failed to comply with the acute maximum contaminant level ("MCL") of 10 mg/L for nitrate at the Pinkie's Mini Mart 51 Facility, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a).
3. As evidenced by Findings of Fact No. 3, the Respondents failed to comply with the acute MCL of 10 mg/L for nitrate at the Pinkie's Mini Mart 53 Facility, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Two Thousand Eight Hundred Eight Dollars (\$2,808) 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). Two Thousand Eight Hundred Eight Dollars (\$2,808) of the administrative penalty is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the the terms and conditions contained in this Agreed Order. If the Respondents fail to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondents to pay all or part of the deferred administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondents are assessed an administrative penalty in the amount of Two Thousand Eight Hundred Eight Dollars (\$2,808) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' 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: PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53, Docket No. 2013-2119-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 Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements at the Pinkie's Mini Mart 51 Facility:
  - a. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional

engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondents purchase or sell water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses in listed in Ordering Provision No. 4.g.;

- b. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 4.g. below to demonstrate compliance with Ordering Provision No. 3.a.;
  - c. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 4.g.;
  - d. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 4.g. below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;
  - e. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 4.g. below to demonstrate compliance with Ordering Provision No. 3.c.;
  - f. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the acute MCL for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
  - g. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 4.g. below to demonstrate compliance with Ordering Provision No. 3.f.;
4. The Respondents shall undertake the following technical requirements at the Pinkie's Mini Mart 53 Facility:
- a. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the acute MCL for nitrate. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the

Respondents purchase or sell water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses in listed in Ordering Provision No. 4.g.;

- b. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 4.g. below to demonstrate compliance with Ordering Provision No. 4.a.;
- c. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 4.g.;
- d. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 4.g. below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;
- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 4.g. below to demonstrate compliance with Ordering Provision No. 4.c.;
- f. Within 1,095 days after the effective date of this Agreed Order, return to compliance with the acute MCL for nitrate, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
- g. Within 1,110 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. 4.f. 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

and to:

Technical Review and Oversight Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

5. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
6. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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 the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.

9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.
10. 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.
11. 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

*Ken Harvey*  
For the Executive Director

5/16/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53. I am authorized to agree to the attached Agreed Order on behalf of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53, 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, PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53 waive 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.

*Austin R. Keith*  
Signature

3/7/14  
Date

Austin R. Keith  
Name (Printed or typed)

President  
Title

Authorized Representative of  
PINKIE'S INC. dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53

**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.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Penny Rowley*  
For the Executive Director

3/16/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53. I am authorized to agree to the attached Agreed Order on behalf of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53, 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.

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- 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.

*Carol Fritz*  
Signature

3/16/14  
Date

Carol Fritz  
Name (Printed or typed)

Landowner  
Title

Authorized Representative of  
Carol Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53

**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.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/16/14  
Date

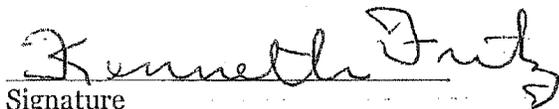
I, the undersigned, have read and understand the attached Agreed Order in the matter of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53. I am authorized to agree to the attached Agreed Order on behalf of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53, 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.

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
Signature

3-6-14  
Date

Kenneth Fritz  
Name (Printed or typed)

Landowner  
Title

Authorized Representative of  
Kenneth W. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53

**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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pamela Davis J  
For the Executive Director

5/16/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53. I am authorized to agree to the attached Agreed Order on behalf of PINKIE'S INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53, 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.

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- 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.

David Fritz  
Signature

3/6/14  
Date

David Fritz  
Name (Printed or typed)

Landowner  
Title

Authorized Representative of

David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53

**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.