

Executive Summary – Enforcement Matter – Case No. 61902
Fossil Rim Wildlife Center, Inc.
RN101190197
Docket No. 2022-0172-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Fossil Rim Wildlife Center, 2155 County Road 2008, Glen Rose, Somervell 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 11, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,813

Amount Deferred for Expedited Settlement: \$4,762

Total Paid to General Revenue: \$19,051

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: \$2

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 27, 2021 through November 12, 2021

Date(s) of NOE(s): January 25, 2022

Violation Information

1. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].

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2. Failed to keep on file copies of well completion data for as long as the well remains in service. Specifically, well completion data for the Safari Camp well was not available for review [30 TEX. ADMIN. CODE § 290.46(n)(3)].
3. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].
4. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the Outlook Water Plant ground storage tank was not enclosed by an intruder-resistant fence or a locked building [30 TEX. ADMIN. CODE § 290.43(e)].
5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day, the amount of water distributed each day, and the calibration records for laboratory equipment were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), and (f)(3)(B)(iv)].
6. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan was not updated to include current sampling locations and sampling frequencies [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
7. Failed to inspect the Facility's ground storage tanks ("GSTs") annually. Specifically, the GST at the Wolf Ridge Pump Station was not inspected annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
8. Failed to inspect Facility's pressure tanks annually. Specifically, the two pressure tanks at the Wolf Ridge Pump Station were not inspected annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
9. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, the water system was only monitoring the disinfectant residual at the Overlook Water Plant [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].
10. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual was not updated to include current emergency contact information [30 TEX. ADMIN. CODE § 290.42(l)].

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11. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly. Specifically, the Respondent did not ensure that additional protection was provided at the soda fountain at the Overlook Café [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].

12. Failed to provide the Facility's Safari Camp well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].

13. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent for the Safari Camp well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, the Safari Camp well did not have a well casing vent [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

14. Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment. Specifically, the Safari Camp well did not have a sampling cock [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].

15. Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data. Specifically, the Safari Camp well was not equipped with a flow measuring device [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].

16. Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, the well casing at the Safari Camp was approximately three inches above the ground [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].

17. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association standards. Specifically, the Facility's GST did not have a roof vent, overflow drain, sample connection, access ladder, and liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By November 9, 2021:

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- i. Inspected the GST at the Wolf Ridge Pump Station; and
 - ii. Inspected the two pressure tanks at the Wolf Ridge Pump Station.
- b. By November 12, 2021, maintained a thorough and up-to-date plant operations manual for operator review and reference.
- c. By November 15, 2021:
- i. Maintained records for the amount of each chemical used each day, the amount of water distributed each day, and the calibration records for laboratory equipment on-site for review; and
 - ii. Monitored the disinfectant residual at representative locations in the distribution system at least once per day.
- d. By November 16, 2021, ensured additional protection was provided at the soda fountain at the Overlook Café in the form of a reduced pressure principal assembly.
- e. By November 29, 2021, maintained an up-to-date chemical and microbiological monitoring plan.
- f. By April 11, 2023, inactivated the Safari Camp well and no longer needed to provide disinfection facilities, keep copies of well completion data, maintain plans or record drawings and specifications, provide the well with a concrete sealing block, provide a well casing vent, provide a suitable sampling cock on the discharge pipe, provide a flow measuring device, provide a well casing, and ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association standards.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 90 days, ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; and
- b. Within 105 days, submit written certification to demonstrate compliance with a.

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Fossil Rim Wildlife Center, Inc.
RN101190197
Docket No. 2022-0172-PWS-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 8, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Rob Baker, President, Fossil Rim Wildlife Center, Inc., 2155 County Road 2008, Glen Rose, Texas 76043

Daniel L. Simon, Executive Director, Fossil Rim Wildlife Center, Inc., 2155 County Road 2008, Glen Rose, Texas 76043

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | |
|--------------|-----------------|-------------|------------------|------------|
| DATES | Assigned | 31-Jan-2022 | | |
| | PCW | 4-Feb-2022 | Screening | 4-Feb-2022 |
| | | | EPA Due | |

| | |
|--|----------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Fossil Rim Wildlife Center, Inc. |
| Reg. Ent. Ref. No. | RN101190197 |
| Facility/Site Region | 4-Dallas/Fort Worth |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 61902 | No. of Violations | 17 |
| Docket No. | 2022-0172-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Miles Wehner |
| | | EC's Team | Enforcement Team 8 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$20,125 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|-------|------------|--------------------------------|---------|
| Compliance History | 22.0% | Adjustment | Subtotals 2, 3, & 7 | \$4,427 |
|---------------------------|-------|------------|--------------------------------|---------|

Notes: Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|--------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$741 |
|--|-------------------|--------|

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

Total EB Amounts: \$5,552
 Estimated Cost of Compliance: \$7,513
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$23,811 |
|-----------------------------|-----------------------|----------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$23,811 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$23,813 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$4,762 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$19,051 |
|------------------------|----------|

Screening Date 4-Feb-2022

Docket No. 2022-0172-PWS-E

PCW

Respondent Fossil Rim Wildlife Center, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61902

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101190197

Media Public Water Supply

Enf. Coordinator Miles Wehner

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | 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 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% |
| 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) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 4-Feb-2022
Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Enf. Coordinator Miles Wehner

Docket No. 2022-0172-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)

Violation Description

Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.

Base Penalty \$5,000

>> 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

Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served the Facility could be exposed to contaminants that would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 100 Number of violation days

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

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|--|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

Notes

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,013

Violation Final Penalty Total \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$1,000 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$13 | \$1,000 | \$1,013 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$1,000

TOTAL \$1,013

| | | | | | | |
|---|---|--|--------------------------------------|---|-------------------------------------|----------------------|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW | | |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> | | |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> | | |
| Reg. Ent. Reference No. | RN101190197 | | | | | |
| Media | Public Water Supply | | | | | |
| Enf. Coordinator | Miles Wehner | | | | | |
| Violation Number | 2 | | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(n)(3) | | | | | |
| Violation Description | Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, well completion data for the Safari Camp well was not available for review. | | | | | |
| | | Base Penalty | \$5,000 | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | |
| OR | | Harm | | | | |
| | Release | Major | Moderate | Minor | | |
| | Actual | | | | Percent 0.0% | |
| | Potential | | | | | |
| >> Programmatic Matrix | | | | | | |
| | | Falsification | Major | Moderate | Minor | |
| | | | x | | | Percent 10.0% |
| Matrix Notes | 100% of the rule requirements were not met. | | | | | |
| | | Adjustment | \$4,500 | | | |
| | | | \$500 | | | |
| Violation Events | | | | | | |
| | Number of Violation Events | 1 | 100 | Number of violation days | | |
| | | daily | | | Violation Base Penalty \$500 | |
| | | weekly | | | | |
| | | monthly | | | | |
| | | quarterly | | | | |
| | | semiannual | | | | |
| | | annual | | | | |
| | | single event | x | | | |
| | | One single event is recommended. | | | | |
| Good Faith Efforts to Comply | | | | | | |
| | | 0.0% | Reduction | \$0 | | |
| | | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer | | | |
| | Extraordinary | | | | | |
| | Ordinary | | | | | |
| | N/A | x | | | | |
| | Notes | The Respondent does not meet the good faith criteria for this violation. | | | | |
| | | Violation Subtotal | \$500 | | | |
| Economic Benefit (EB) for this violation | | | | | | |
| Statutory Limit Test | | | | | | |
| | Estimated EB Amount | \$182 | Violation Final Penalty Total | \$610 | | |
| | | This violation Final Assessed Penalty (adjusted for limits) | | | \$610 | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$180 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$2 | \$180 | \$182 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to keep on file copies of well completion data, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$180

TOTAL \$182

| | | | | |
|--------------------------------|--|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 3 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(n)(1) | | | |
| Violation Description | Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|-------------|----------|-------|---------------------|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | Percent 0.0% |
| Potential | | | | | |

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|----------------------|
| | Falsification | Major | Moderate | Minor | |
| | | x | | | Percent 10.0% |

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events: 1 100 Number of violation days

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

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$500

| | |
|--|-------------------------------------|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount \$182 | Violation Final Penalty Total \$610 |
| This violation Final Assessed Penalty (adjusted for limits) \$610 | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
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 | Costs Saved | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$180 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$2 | \$180 | \$182 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$180

TOTAL \$182

| | | | | |
|---|--|--|--------------------------------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 4 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.43(e) | | | |
| Violation Description | Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the Outlook Water Plant ground storage tank was not enclosed by an intruder-resistant fence or a locked building. | | | |
| | | Base Penalty | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | |
| Potential | x | | | Percent 15.0% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | | | | |
| | | | | Percent 0.0% |
| Matrix Notes | Failure to provide an intruder-resistant fence could result in contamination of the facilities by trespassers thus exposing persons served by the Facility to contaminants which would exceed levels protective of human health. | | | |
| | | Adjustment | | \$4,250 |
| | | | | \$750 |
| Violation Events | | | | |
| | Number of Violation Events | 4 | 100 | Number of violation days |
| | daily | | | |
| | weekly | | | |
| | monthly | x | | |
| | quarterly | | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | | |
| | | | Violation Base Penalty | \$3,000 |
| | Four monthly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022. | | | |
| Good Faith Efforts to Comply | | | | |
| | | 0.0% | Reduction | \$0 |
| | | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer | |
| | Extraordinary | | | |
| | Ordinary | | | |
| | N/A | x | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| | | Violation Subtotal | | \$3,000 |
| Economic Benefit (EB) for this violation | | | | |
| | Estimated EB Amount | \$116 | Violation Final Penalty Total | \$3,660 |
| | | This violation Final Assessed Penalty (adjusted for limits) | | \$3,660 |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 4

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|-------------|------|-----|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$750 | 27-Oct-2021 | 10-Jan-2024 | 2.21 | \$6 | \$110 | \$116 |
| 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 ensure that an intruder-resistant fence is provided around the Outlook Water Plant ground storage tank, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$750

TOTAL \$116

| | | | | | |
|---|---|---|--------------------------------------|--------------------------------------|---------------------|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW | |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | Policy Revision 5 (January 28, 2021) | |
| Case ID No. | 61902 | | | PCW Revision February 11, 2021 | |
| Reg. Ent. Reference No. | RN101190197 | | | | |
| Media | Public Water Supply | | | | |
| Enf. Coordinator | Miles Wehner | | | | |
| Violation Number | 5 | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), and (f)(3)(B)(iv) | | | | |
| Violation Description | Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day, the amount of water distributed each day, and the calibration records for laboratory equipment were not maintained on-site for review. | | | | |
| | | Base Penalty | | \$5,000 | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | Percent 0.0% |
| Potential | | | | | |
| >> Programmatic Matrix | | | | | |
| | Falsification | Major | Moderate | Minor | |
| | | | | x | Percent 1.0% |
| Matrix Notes | Less than 30% of the rule requirements were not met. | | | | |
| | | Adjustment | | \$4,950 | |
| | | | | \$50 | |
| Violation Events | | | | | |
| | Number of Violation Events | 1 | 19 | Number of violation days | |
| | | daily | | | |
| | | weekly | | | |
| | | monthly | | | |
| | | quarterly | | | |
| | | semiannual | | | |
| | | annual | | | |
| | | single event | x | | |
| | | Violation Base Penalty | | \$50 | |
| | One single event is recommended. | | | | |
| Good Faith Efforts to Comply | | | | | |
| | | 25.0% | Reduction | \$12 | |
| | | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer | | |
| | Extraordinary | | | | |
| | Ordinary | x | | | |
| | N/A | | | | |
| | Notes | The Respondent achieved compliance on November 15, 2021. | | | |
| | | Violation Subtotal | | \$38 | |
| Economic Benefit (EB) for this violation | | | | | |
| | Estimated EB Amount | \$0 | Violation Final Penalty Total | \$49 | |
| | | This violation Final Assessed Penalty (adjusted for limits) \$50 | | | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 5

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

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

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 | \$45 | 27-Oct-2021 | 15-Nov-2021 | 0.05 | \$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 maintain water system operation and maintenance records and make them immediately available upon request by the Executive Director, calculated from the investigation date to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$45

TOTAL \$0

| | | | | |
|--|---|--------------------------------------|-----------------------------|-------------------------------------|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | Policy Revision 5 (January 28, 2021) | | |
| Case ID No. | 61902 | PCW Revision February 11, 2021 | | |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 6 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.121(a) and (b) | | | |
| Violation Description | Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan was not updated to include current sampling locations and sampling frequencies. | | | |
| Base Penalty | | | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | |
| Potential | | | | |
| | | | | Percent 0.0% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | | | x | |
| | | | | Percent 2.5% |
| Matrix Notes | Between 30% and 70% of the rule requirements were not met. | | | |
| Adjustment | | | | \$4,875 |
| | | | | \$125 |
| Violation Events | | | | |
| Number of Violation Events | | 1 | 33 | Number of violation days |
| | daily | | | |
| | weekly | | | |
| | monthly | | | |
| | quarterly | | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | x | |
| | | | | Violation Base Penalty \$125 |
| One single event is recommended. | | | | |
| Good Faith Efforts to Comply | | 25.0% | Reduction | \$31 |
| | Extraordinary | | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| | Ordinary | x | | |
| | N/A | | | |
| Notes | The Respondent achieved compliance on November 29, 2021. | | | |
| Violation Subtotal | | | | \$94 |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | |
| Estimated EB Amount | \$1 | Violation Final Penalty Total | \$122 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$122 | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 6

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

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

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) | \$180 | 27-Oct-2021 | 29-Nov-2021 | 0.09 | \$1 | n/a | \$1 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to update and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$1

| | | | | |
|--------------------------------|--|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 7 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(m)(1)(A) | | | |
| Violation Description | Failed to inspect the Facility's ground storage tanks ("GST") annually. Specifically, the GST at the Wolf Ridge Pump Station was not inspected annually. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|----------------|-------------|----------|-------|---------------------|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | Percent 5.0% |
| Potential | | x | | | |

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

Matrix Notes: Failure to inspect the Facility's GSTs on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 1 19 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |

Notes: The Respondent achieved compliance on November 9, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$243

This violation Final Assessed Penalty (adjusted for limits) \$243

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 7

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

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

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) | \$41 | 27-Oct-2021 | 9-Nov-2021 | 0.04 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct annual GST inspections (\$41 per tank), calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$41

TOTAL \$0

| | | | | |
|--------------------------------|--|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 8 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.46(m)(1)(B) | | | |
| Violation Description | Failed to inspect the Facility's pressure tanks annually. Specifically, the two pressure tanks at the Wolf Ridge Pump Station were not inspected annually. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | Percent 0.0% |
| | | | | | |

Matrix Notes: Failure to inspect the pressure tanks could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250
\$750

Violation Events

Number of Violation Events: 2 20 Number of violation days

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

Violation Base Penalty \$1,500

Two single events are recommended (one for each tank).

Good Faith Efforts to Comply 25.0% Reduction \$375

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | x | |
| N/A | | |

Notes: The Respondent achieved compliance on November 9, 2021.

Violation Subtotal \$1,125

| | |
|--|---------------------------------------|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount \$0 | Violation Final Penalty Total \$1,455 |
| This violation Final Assessed Penalty (adjusted for limits) \$1,455 | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 8

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

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

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) | \$82 | 27-Oct-2021 | 9-Nov-2021 | 0.04 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct annual pressure tank inspections (\$41 per tank x two pressure tanks), calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$82

TOTAL \$0

| | | | | |
|---|--|-------------------------------|--|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 9 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.110(c)(4)(B) | | | |
| Violation Description | Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, the water system was only monitoring the disinfectant residual at the Overlook Water Plant. | | | |
| | | Base Penalty | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | |
| Potential | | x | | |
| | | Percent | | 5.0% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | | | | |
| | | | | |
| | | | | Percent |
| | | | | 0.0% |
| Matrix Notes | Failure to monitor the disinfectant residual at representative locations in the distribution system at least once each day could expose customers of the Facility to significant amounts of contaminants which would not exceed levels protective of human health. | | | |
| | | Adjustment | | \$4,750 |
| | | | | \$250 |
| Violation Events | | | | |
| | Number of Violation Events | 1 | 19 | Number of violation days |
| | daily | | | |
| | weekly | | | |
| | monthly | | | |
| | quarterly | x | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | | |
| | | | | Violation Base Penalty |
| | | | | \$250 |
| | One quarterly event is recommended, calculated from the date of the investigation, October 27, 2021 to the compliance date, November 15, 2021. | | | |
| Good Faith Efforts to Comply | | 25.0% | Reduction | \$62 |
| | | <small>Before NOE/NOV</small> | <small>NOE/NOV to EDRP/ Settlement Offer</small> | |
| | Extraordinary | | | |
| | Ordinary | x | | |
| | N/A | | | |
| Notes | The Respondent achieved compliance on November 15, 2021. | | | |
| | | | Violation Subtotal | \$188 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| | Estimated EB Amount | \$0 | Violation Final Penalty Total | \$243 |
| | | | This violation Final Assessed Penalty (adjusted for limits) | \$243 |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Violation No. Public Water Supply
 9

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

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

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 | \$10 | 27-Oct-2021 | 15-Nov-2021 | 0.05 | \$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 monitor the disinfectant residual at least once per day (\$10 per per day), calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

TOTAL \$0

| | | | | | |
|---|---|--------------------------------------|-----------------|---|------------------------------------|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW | |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> | |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> | |
| Reg. Ent. Reference No. | RN101190197 | | | | |
| Media | Public Water Supply | | | | |
| Enf. Coordinator | Miles Wehner | | | | |
| Violation Number | 10 | | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.42(l) | | | | |
| Violation Description | Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual was not updated to include current emergency contact information. | | | | |
| | | Base Penalty | \$5,000 | | |
| >> Environmental, Property and Human Health Matrix | | | | | |
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | Percent 0.0% |
| | Potential | | | | |
| >> Programmatic Matrix | | | | | |
| | Falsification | Major | Moderate | Minor | |
| | | | | x | Percent 1.0% |
| Matrix Notes | Less than 30% of the rule requirements were not met. | | | | |
| | | Adjustment | \$4,950 | | |
| | | | \$50 | | |
| Violation Events | | | | | |
| | Number of Violation Events | 1 | 16 | Number of violation days | |
| | daily | | | | |
| | weekly | | | | |
| | monthly | | | | |
| | quarterly | | | | |
| | semiannual | | | | |
| | annual | | | | |
| | single event | | x | | Violation Base Penalty \$50 |
| | One single event is recommended. | | | | |
| Good Faith Efforts to Comply | 25.0% | | Reduction | \$12 | |
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer | | | |
| | Extraordinary | | | | |
| | Ordinary | x | | | |
| | N/A | | | | |
| Notes | The Respondent achieved compliance on November 12, 2021. | | | | |
| | | Violation Subtotal | \$38 | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | |
| Estimated EB Amount | \$0 | Violation Final Penalty Total | \$49 | | |
| | This violation Final Assessed Penalty (adjusted for limits) | | | \$50 | |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Violation No. Public Water Supply
 10

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

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

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) | \$45 | 27-Oct-2021 | 12-Nov-2021 | 0.04 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$0

| | | | | |
|---|--|--|---|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 11 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.44(h)(1)(A) | | | |
| Violation Description | Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly ("BPA"), as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, the Respondent did not ensure that additional protection was provided at the soda fountain at the Overlook Cafe. | | | |
| | | Base Penalty | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | |
| Potential | x | | | Percent 15.0% |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | | | | |
| | | | | Percent 0.0% |
| Matrix Notes | Failure to have additional protections may allow backflow and siphonage to occur resulting in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health. | | | |
| | | Adjustment | | \$4,250 |
| | | | | \$750 |
| Violation Events | | | | |
| | Number of Violation Events | 1 | 20 | Number of violation days |
| | daily | | | |
| | weekly | | | |
| | monthly | x | | |
| | quarterly | | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | | |
| | | | | Violation Base Penalty \$750 |
| | One monthly event is recommended, calculated from the date of the investigation, October 27, 2021 to the compliance date, November 16, 2021. | | | |
| Good Faith Efforts to Comply | | 25.0% | Reduction | \$187 |
| | | <small>Before NOE/NOV</small> | <small>NOE/NOV to EDRP/Settlement Offer</small> | |
| | Extraordinary | | | |
| | Ordinary | x | | |
| | N/A | | | |
| | Notes | The Respondent achieved compliance on November 16, 2021. | | |
| | | Violation Subtotal | | \$563 |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| | Estimated EB Amount | \$4 | Violation Final Penalty Total | \$728 |
| | | This violation Final Assessed Penalty (adjusted for limits) | | \$728 |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Violation No. Public Water Supply
 11

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|-----|-----|-----|
| Equipment | \$1,000 | 27-Oct-2021 | 16-Nov-2021 | 0.05 | \$0 | \$4 | \$4 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs The delayed cost includes the estimated amount to ensure additional protection is provided in the form of an air gap or by installing a BPA, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$4

Screening Date 4-Feb-2022
Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Enf. Coordinator Miles Wehner

Docket No. 2022-0172-PWS-E

PCW

*Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021*

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description
 Failed to provide the Facility's Safari Camp well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes
 Failure to provide the well with a sealing block that extends a minimum of three feet from the well casing in all directions and slopes to drain away from the wellhead at not less than 0.25 inch per foot could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 100 Number of violation days

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

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$507

Violation Final Penalty Total \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 12

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$500 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$7 | \$500 | \$507 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide the Facility's Safari Camp well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$500

TOTAL \$507

| | | | | |
|---|--|--|--|-------------------------------------|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021 | | |
| Case ID No. | 61902 | | | |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 13 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.41(c)(3)(K) | | | |
| Violation Description | Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent for the Safari Camp well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, the Safari Camp well did not have a well casing vent. | | | |
| Base Penalty | | | | \$5,000 |
| >> Environmental, Property and Human Health Matrix | | | | |
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | | | |
| Potential | | x | | |
| | | | | Percent 5.0% |
| >> Programmatic Matrix | | | | |
| Falsification | | | | |
| Major Moderate Minor | | | | |
| [] [] [] [] | | | | |
| | | | | Percent 0.0% |
| Matrix Notes | Failure to properly seal the wellhead and provide a well casing vent could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health. | | | |
| Adjustment | | | | \$4,750 |
| | | | | \$250 |
| Violation Events | | | | |
| Number of Violation Events | | 2 | 100 | Number of violation days |
| | daily | [] | | |
| | weekly | [] | | |
| | monthly | [] | | |
| | quarterly | x | | |
| | semiannual | [] | | |
| | annual | [] | | |
| | single event | [] | | |
| | | | | Violation Base Penalty \$500 |
| Two quarterly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022. | | | | |
| Good Faith Efforts to Comply | | 0.0% | Reduction | \$0 |
| <small>Before NOE/NOV NOE/NOV to EDRP/Settlement Offer</small> | | | | |
| | Extraordinary | [] | [] | |
| | Ordinary | [] | [] | |
| | N/A | x | [] | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| Violation Subtotal | | | | \$500 |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | |
| Estimated EB Amount | | \$152 | Violation Final Penalty Total \$610 | |
| This violation Final Assessed Penalty (adjusted for limits) | | | | \$610 |

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 13

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$150 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$2 | \$150 | \$152 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly seal the wellhead at the Safari Camp well and provide a casing vent, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$150

TOTAL \$152

Screening Date 4-Feb-2022 **Docket No.** 2022-0172-PWS-E **PCW**
Respondent Fossil Rim Wildlife Center, Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 61902 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment. Specifically, the Safari Camp well did not have a sampling cock.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes Failure to provide a sampling cock on the well discharge line may allow entry of undetected contaminated raw water that could expose persons served by the Facility to insignificant amounts of contaminants that would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 100 Number of violation days

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

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDRP/ Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | 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 \$51 **Violation Final Penalty Total** \$183

This violation Final Assessed Penalty (adjusted for limits) \$183

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 14

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$50 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$1 | \$50 | \$51 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$50

TOTAL \$51

| | | | | |
|--------------------------------|---|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 15 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.41(c)(3)(N) | | | |
| Violation Description | Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data. Specifically, the Safari Camp well was not equipped with a flow measuring device. | | | |
| | | Base Penalty | \$5,000 | |

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

Matrix Notes: Failure to provide a flow measuring device for the well could result in inaccurate water production data which would affect treatment practices, thereby exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 4 100 Number of violation days

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

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$304 **Violation Final Penalty Total** \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Violation No. Public Water Supply
 15

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$300 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$4 | \$300 | \$304 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide the Safari Camp well with a flow measuring device, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$300

TOTAL \$304

| | | | | |
|--------------------------------|--|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 16 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.41(c)(3)(B) | | | |
| Violation Description | Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, the well casing at the Safari Camp well was approximately three inches above the ground. | | | |
| | | Base Penalty | \$5,000 | |

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

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

>> **Programmatic Matrix**

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | |
| | | | | | Percent 0.0% |

Matrix Notes: Failure to provide a well casing that is properly elevated above natural ground surface may allow the well to be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 4 100 Number of violation days

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

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,013 **Violation Final Penalty Total** \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Public Water Supply
Violation No. 16

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$1,000 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$13 | \$1,000 | \$1,013 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to extend the Safari Camp well casing to a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, calculated from the date of the investigation to the estimated date of screening.

Approx. Cost of Compliance \$1,000

TOTAL \$1,013

| | | | | |
|--------------------------------|---|---------------------|-----------------|---|
| Screening Date | 4-Feb-2022 | Docket No. | 2022-0172-PWS-E | PCW |
| Respondent | Fossil Rim Wildlife Center, Inc. | | | <i>Policy Revision 5 (January 28, 2021)</i> |
| Case ID No. | 61902 | | | <i>PCW Revision February 11, 2021</i> |
| Reg. Ent. Reference No. | RN101190197 | | | |
| Media | Public Water Supply | | | |
| Enf. Coordinator | Miles Wehner | | | |
| Violation Number | 17 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code § 290.43(c) | | | |
| Violation Description | Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's GST did not have a roof vent, overflow drain, sample connection, access ladder, and liquid level indicator. | | | |
| | | Base Penalty | \$5,000 | |

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

| | | | | | |
|-----------|----------------|-------------|----------|-------|---------------------|
| OR | | Harm | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | Percent 5.0% |
| | Potential | | x | | |

>> **Programmatic Matrix**

| | | | | | |
|--|---------------|-------|----------|-------|---------------------|
| | Falsification | Major | Moderate | Minor | Percent 0.0% |
| | | | | | |

Matrix Notes: Failure to ensure that the potable water storage tank is properly constructed could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 2 100 Number of violation days

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

Violation Base Penalty \$500

Two quarterly events are recommended, calculated from the date of the investigation, October 27, 2021 to the date of screening, February 4, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

| | | |
|---------------|----------------|----------------------------------|
| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | |
| N/A | x | |

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$2,027 **Violation Final Penalty Total** \$610

This violation Final Assessed Penalty (adjusted for limits) \$610

Economic Benefit Worksheet

Respondent Fossil Rim Wildlife Center, Inc.
Case ID No. 61902
Reg. Ent. Reference No. RN101190197
Media Violation No. Public Water Supply
 17

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

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

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 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs | \$2,000 | 27-Oct-2021 | 4-Feb-2022 | 0.27 | \$27 | \$2,000 | \$2,027 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to replace or upgrade the Facility's storage tank to meet current AWWA standards, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$2,000

TOTAL \$2,027

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN604499889, RN101190197, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604499889, Fossil Rim Wildlife Center, Inc. **Classification:** SATISFACTORY **Rating:** 0.47

Regulated Entity: RN101190197, FOSSIL RIM WILDLIFE CENTER **Classification:** SATISFACTORY **Rating:** 0.47

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: 2155 COUNTY ROAD 2008 NEAR GLEN ROSE, SOMERVELL COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2130032

WASTEWATER EPA ID TX0135373

WASTEWATER PERMIT WQ0015250001

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: April 23, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 23, 2018 to April 23, 2023

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

Name: Miles Wehner

Phone: (512) 239-2813

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

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

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

- 1 Effective Date: 07/17/2018 ADMINORDER 2017-1216-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failed to comply with permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 June 20, 2018 (1510075)
- Item 2 October 05, 2018 (1518217)
- Item 3 November 20, 2018 (1543819)
- Item 4 December 14, 2018 (1547515)
- Item 5 February 28, 2019 (1566768)
- Item 6 March 13, 2019 (1566769)
- Item 7 April 15, 2019 (1574187)
- Item 8 August 12, 2019 (1601818)
- Item 9 September 20, 2019 (1608719)

| | | |
|---------|--------------------|-----------|
| Item 10 | October 21, 2019 | (1615594) |
| Item 11 | December 18, 2019 | (1628733) |
| Item 12 | January 13, 2020 | (1636351) |
| Item 13 | March 17, 2020 | (1649475) |
| Item 14 | May 05, 2020 | (1662382) |
| Item 15 | June 09, 2020 | (1668931) |
| Item 16 | July 08, 2020 | (1675878) |
| Item 17 | July 29, 2020 | (1659206) |
| Item 18 | August 03, 2020 | (1682670) |
| Item 19 | September 02, 2020 | (1689216) |
| Item 20 | October 20, 2020 | (1695580) |
| Item 21 | October 21, 2020 | (1436889) |
| Item 22 | December 03, 2020 | (1719337) |
| Item 23 | December 18, 2020 | (1719338) |
| Item 24 | January 20, 2021 | (1719339) |
| Item 25 | February 19, 2021 | (1732418) |
| Item 26 | March 19, 2021 | (1732419) |
| Item 27 | April 28, 2021 | (1732420) |
| Item 28 | May 06, 2021 | (1743492) |
| Item 29 | July 01, 2021 | (1748744) |
| Item 30 | July 20, 2021 | (1753983) |
| Item 31 | August 20, 2021 | (1759336) |
| Item 32 | September 20, 2021 | (1768738) |
| Item 33 | October 19, 2021 | (1779925) |
| Item 34 | November 20, 2021 | (1785979) |
| Item 35 | December 21, 2021 | (1792968) |
| Item 36 | February 07, 2022 | (1800791) |
| Item 37 | February 15, 2022 | (1808610) |
| Item 38 | March 20, 2022 | (1815709) |
| Item 39 | April 19, 2022 | (1822293) |
| Item 40 | May 20, 2022 | (1831127) |
| Item 41 | June 20, 2022 | (1837405) |
| Item 42 | July 20, 2022 | (1844572) |
| Item 43 | August 22, 2022 | (1851097) |
| Item 44 | September 28, 2022 | (1858527) |
| Item 45 | October 30, 2022 | (1864864) |
| Item 46 | November 29, 2022 | (1871754) |
| Item 47 | December 28, 2022 | (1877635) |
| Item 48 | January 25, 2023 | (1884440) |
| Item 49 | February 20, 2023 | (1892237) |

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: 11/10/2022 (1853172)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135373 PERMIT
WQ0015250001 PERMIT
- Description: Failed to calibrate the flow measuring device annually.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TX0135373 PERMIT
WQ0015250001 PERMIT
- Description: Failure to provide noncompliance notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FOSSIL RIM WILDLIFE CENTER,
INC.
RN101190197**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2022-0172-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Fossil Rim Wildlife Center, 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 together stipulate that:

1. The Respondent owns and operates a public water supply located at 2155 County Road 2008 near Glen Rose, Somervell County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 21 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$23,813 assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,051 of the penalty and \$4,762 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By November 9, 2021,
 - i. Inspected the ground storage tank ("GST") at the Wolf Ridge Pump Station; and
 - ii. Inspected the two pressure tanks at the Wolf Ridge Pump Station.
 - b. By November 12, 2021, maintained a thorough and up-to-date plant operations manual for operator review and reference.
 - c. By November 15, 2021,
 - i. Maintained records for the amount of each chemical used each day, the amount of water distributed each day, and the calibration records for laboratory equipment on-site for review; and
 - ii. Monitored the disinfectant residual at representative locations in the distribution system at least once per day.
 - d. By November 16, 2021, ensured additional protection was provided at the soda fountain at the Overlook Café in the form of a reduced pressure principal assembly.
 - e. By November 29, 2021, maintained an up-to-date chemical and microbiological monitoring plan.
 - f. By April 11, 2023, inactivated the Safari Camp well and no longer needed to provide disinfection facilities, keep copies of well completion data, maintain

plans or record drawings and specifications, provide the well with a concrete sealing block, provide a well casing vent, provide a suitable sampling cock on the discharge pipe, provide a flow measuring device, provide a well casing, and ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards.

II. ALLEGATIONS

During an investigation at the Facility conducted on October 27, 2021, through November 12, 2021, an investigator documented that the Respondent:

1. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
2. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3). Specifically, well completion data for the Safari Camp well was not available for review.
3. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
4. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e). Specifically, the Outlook Water Plant ground storage tank was not enclosed by an intruder-resistant fence or a locked building.
5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), and (f)(3)(B)(iv). Specifically, records for the amount of each chemical used each day, the amount of water distributed each day, and the calibration records for laboratory equipment were not maintained on-site for review.
6. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan was not updated to include current sampling locations and sampling frequencies.
7. Failed to inspect the Facility's GSTs annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, the GST at the Wolf Ridge Pump Station was not inspected annually.

8. Failed to inspect Facility's pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B). Specifically, the two pressure tanks at the Wolf Ridge Pump Station were not inspected annually.
9. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B). Specifically, the water system was only monitoring the disinfectant residual at the Overlook Water Plant.
10. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l). Specifically, the plant operations manual was not updated to include current emergency contact information.
11. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly, as identified in 30 TEX. ADMIN. CODE § 290.47(f), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A). Specifically, the Respondent did not ensure that additional protection was provided at the soda fountain at the Overlook Café.
12. Failed to provide the Facility's Safari Camp well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
13. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent for the Safari Camp well that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K). Specifically, the Safari Camp well did not have a well casing vent.
14. Failed to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M). Specifically, the Safari Camp well did not have a sampling cock.
15. Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N). Specifically, the Safari Camp well was not equipped with a flow measuring device.
16. Failed to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B). Specifically, the well casing at the Safari Camp was approximately three inches above the ground.
17. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c). Specifically, the Facility's

GST did not have a roof vent, overflow drain, sample connection, access ladder, and liquid level indicator.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Fossil Rim Wildlife Center, Inc., Docket No. 2022-0172-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 90 days after the effective date of this Order, ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 105 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This 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 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.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/25/2023

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

Date 7/24/23

Daniel L. Simon

Name (Printed or typed)
Authorized Representative of
Fossil Rim Wildlife Center, Inc.

Executive Director

Title

If mailing address has changed, please check this box and provide the new address below: