

**Executive Summary – Enforcement Matter – Case No. 65612**

**BEARCAT GP, LLC**

**RN111853503**

**Docket No. 2024-0403-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

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

Bearcat Business Park, located approximately 0.25 mile south of IH-20 on Bearcat Road, Aledo, Parker 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:** November 29, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,057

**Amount Deferred for Expedited Settlement:** \$2,611

**Total Paid to General Revenue:** \$10,446

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 15, 2023

**Date(s) of NOE(s):** March 1, 2024

**Executive Summary – Enforcement Matter – Case No. 65612**  
**BEARCAT GP, LLC**  
**RN111853503**  
**Docket No. 2024-0403-PWS-E**

***Violation Information***

1. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution at all times. Specifically, on March 15, 2023, a disinfectant residual of 0.1 mg/L was measured at 175 Bear Cat Road [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid Class "D" or higher license issued by the Executive Director [30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
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 keep on file copies of well completion data for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On April 15, 2023, the Respondent maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution at all times at the Facility.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 90 days:
  - i. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank; and
  - ii. Keep on file copies of well completion data for the well.
- d. Within 105 days, submit written certification to demonstrate compliance with c.

**Executive Summary – Enforcement Matter – Case No. 65612**

**BEARCAT GP, LLC**

**RN111853503**

**Docket No. 2024-0403-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taner Hengst, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Andrew Gerber, Manager, BEARCAT GP, LLC, 505 Beachland Boulevard 200, Vero Beach, Florida 32963

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	28-Feb-2024	<b>Screening</b>	28-Feb-2024	<b>EPA Due</b>	
	<b>PCW</b>	4-Mar-2024				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BEARCAT GP, LLC				
<b>Reg. Ent. Ref. No.</b>	RN111853503				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	65612	<b>No. of Violations</b>	4
<b>Docket No.</b>	2024-0403-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christiana McCrimmon
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$4,250
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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<b>Notes</b>	No adjustment for compliance history.
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$62
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$8,919	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,236	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,188
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>211.8%</b>	<b>Adjustment</b>	\$8,869
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost associated with Violation No. 2.
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<b>Final Penalty Amount</b>	\$13,057
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,057
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$2,611
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$10,446
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<b>Screening Date</b>	28-Feb-2024	<b>Docket No.</b>	2024-0403-PWS-E	<b>PCW</b>
<b>Respondent</b>	BEARCAT GP, LLC			
<b>Case ID No.</b>	65612			
<b>Reg. Ent. Reference No.</b>	RN111853503			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Christiana McCrimmon			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

## 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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)** 0%

### >> Repeat Violator (Subtotal 3)

N/A

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

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

N/A

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

### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b> 28-Feb-2024 <b>Respondent</b> BEARCAT GP, LLC <b>Case ID No.</b> 65612 <b>Reg. Ent. Reference No.</b> RN111853503 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Christiana McCrimmon	<b>Docket No.</b> 2024-0403-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
<b>Violation Description</b>	Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on March 15, 2023, a disinfectant residual of 0.1 mg/L was measured at 175 Bear Cat Road.

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

<b>Matrix Notes</b>	Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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<b>Adjustment</b>	\$4,750
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	\$250
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**Violation Events**

Number of Violation Events	1		31	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$250
	semiannual				
	annual				
	single event				

One quarterly event is recommended, calculated from the March 15, 2023 investigation date to the April 15, 2023 compliance date.
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**Good Faith Efforts to Comply**

	<b>25.0%</b>			<b>Reduction</b> \$62
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				
Notes	The Respondent achieved compliance on April 15, 2023.			

<b>Violation Subtotal</b>	\$188
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$586
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$586
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# Economic Benefit Worksheet

**Respondent** BEARCAT GP, LLC  
**Case ID No.** 65612  
**Reg. Ent. Reference No.** RN111853503  
**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
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Mar-2023	15-Apr-2023	0.08	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L free chlorine throughout the distribution system, 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**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$0

<b>Screening Date</b> 28-Feb-2024 <b>Respondent</b> BEARCAT GP, LLC <b>Case ID No.</b> 65612 <b>Reg. Ent. Reference No.</b> RN111853503 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Christiana McCrimmon	<b>Docket No.</b> 2024-0403-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(e)(4)(A)
<b>Violation Description</b>	Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid Class "D" or higher license issued by the Executive Director.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to operate the Facility under direct supervision of an operator with the appropriate license issued by the Executive Director may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$4,250
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	\$750
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**Violation Events**

Number of Violation Events	4	350	Number of violation days
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daily			<b>Violation Base Penalty</b> \$3,000
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			

Four quarterly events are recommended, calculated from the March 15, 2023 investigation date to the February 28, 2024 screening date.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b> \$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.	

<b>Violation Subtotal</b>	\$3,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$8,879
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$9,353
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$9,353
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# Economic Benefit Worksheet

**Respondent** BEARCAT GP, LLC  
**Case ID No.** 65612  
**Reg. Ent. Reference No.** RN111853503  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Mar-2023	28-Mar-2025	2.04	\$10	n/a	\$10

### Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the Facility is operated under the direct supervision of an operator who holds an applicable, valid license issued by the Executive Director, calculated from the date of the investigation 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	\$9,048	15-Mar-2023	28-Feb-2024	0.96	\$193	\$8,676	\$8,869
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

The avoided cost includes the estimated annual salary of a water works operator who holds a minimum of a Class "D" or higher license, calculated from the date of the investigation to the date of the screening.

### Approx. Cost of Compliance

\$8,776

### TOTAL

\$8,879

<b>Screening Date</b> 28-Feb-2024 <b>Respondent</b> BEARCAT GP, LLC <b>Case ID No.</b> 65612 <b>Reg. Ent. Reference No.</b> RN111853503 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Christiana McCrimmon	<b>Docket No.</b> 2024-0403-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(n)(1)
<b>Violation Description</b>	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.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10.0%"/>

Matrix Notes	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,500
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	\$500
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**Violation Events**

Number of Violation Events	1	350	Number of violation days
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	daily	<input type="text"/>				
	weekly	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	x				

One single event is recommended.	
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**Good Faith Efforts to Comply**

<b>0.0%</b>	
	<b>Reduction</b>

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<input type="text"/>	

Notes	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$20	<b>Statutory Limit Test</b>	
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<b>Violation Final Penalty Total</b>	\$1,559
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,559
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# Economic Benefit Worksheet

**Respondent** BEARCAT GP, LLC  
**Case ID No.** 65612  
**Reg. Ent. Reference No.** RN111853503  
**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
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## 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	\$180	15-Mar-2023	27-May-2025	2.20	\$20	n/a	\$20
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 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 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**

**Approx. Cost of Compliance**

\$180

**TOTAL**

\$20

<b>Screening Date</b> 28-Feb-2024 <b>Respondent</b> BEARCAT GP, LLC <b>Case ID No.</b> 65612 <b>Reg. Ent. Reference No.</b> RN111853503 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Christiana McCrimmon	<b>Docket No.</b> 2024-0403-PWS-E	<b>PCW</b> <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
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<b>Violation Number</b>	4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(3)		
<b>Violation Description</b>	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.		

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>

**>> Programmatic Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Falsification</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input style="width: 50px;" type="text" value="10.0%"/>

Matrix Notes	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,500
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	\$500
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**Violation Events**

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="350"/>	Number of violation days
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	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	

One single event is recommended.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

<b>Violation Subtotal</b>	\$500
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input style="width: 100px;" type="text" value="\$20"/>	<b>Violation Final Penalty Total</b> <input style="width: 100px;" type="text" value="\$1,559"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$1,559"/>	

# Economic Benefit Worksheet

**Respondent** BEARCAT GP, LLC  
**Case ID No.** 65612  
**Reg. Ent. Reference No.** RN111853503  
**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
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## 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	\$180	15-Mar-2023	27-May-2025	2.20	\$20	n/a	\$20
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 keep on file well completion data at the Facility, 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

Approx. Cost of Compliance

\$180

TOTAL

\$20



# Compliance History Report

Compliance History Report for CN606206431, RN111853503, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN606206431, BEARCAT GP, LLC **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN111853503, BEARCAT BUSINESS PARK **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** APPROXIMATELY 0.25 MILES S OF I-20 ON BEAR CAT RD IN ALEDO, TX PARKER, TX, PARKER COUNTY

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1840217

**Compliance History Period:** September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** August 15, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 15, 2019 to August 15, 2024

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

**Name:** Christiana McCrimmon

**Phone:** (512) 239-2811

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 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:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BEARCAT GP, LLC  
RN111853503

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2024-0403-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 BEARCAT GP, LLC (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 approximately 0.25 miles south of Interstate 20 on Bear Cat Road near Aledo, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately four 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(73).
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 \$13,057 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,446 of the penalty and \$2,611 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 on April 15, 2023, the Respondent maintained a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution at all times at the Facility.

## **II. ALLEGATIONS**

During an investigation at the Facility conducted on March 15, 2023, an investigator documented that the Respondent:

1. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, on March 15, 2023, a disinfectant residual of 0.1 mg/L was measured at 175 Bear Cat Road.
2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid Class "D" or higher license issued by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
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 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).

## **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: BEARCAT GP, LLC, Docket No. 2024-0403-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days of the effective date of this Order, begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days of 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.
  - c. Within 90 days after the effective date of this Order:
    - i. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - d. Within 105 days of 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 Nos. 2.c.i and 2.c.ii. 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

  
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For the Executive Director

11/27/2024

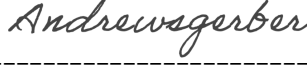
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Date

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 OAG 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 OAG 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

11.4.24

-----  
Date

-----  
Andrew Gerber

Manager

-----  
Name (Printed or typed)  
Authorized Representative of  
BEARCAT GP, LLC

-----  
Title

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

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