

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-0611-PWS-E    **TCEQ ID:** RN102318557    **CASE NO.:** 29549  
**RESPONDENT NAME:** Kelly House dba House Water System

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** House Water System, 5566 Mitchell Saxon Road, Tarrant County

**TYPE OF OPERATION:** Public water system

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Amy Martin, Enforcement Division, Enforcement Section 1, MC 169, (512) 239-2540; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. Erin Tanski, DFW Regional Office, MC R-04, (817) 588-5901

**Respondent:** Mr. Kelly House, Owner, House Water System, 5566 Mitchell Saxon Road, Fort Worth, Texas 76140-8051

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigations Relating to this Case:</b> May 5 and June 2, 2006</p> <p><b>Date of NOE Relating to this Case:</b> May 19, 2006 (NOE)</p> <p><b>Background Facts:</b> These were routine record reviews. Eight violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to secure sanitary control easements for all property within 150 feet of the well location from adjacent landowners and to have the easements recorded at the county courthouse at the time of inspection [30 TEX. ADMIN. CODE §290.41(c)(1)(F)].</p> <p>2) Failed to provide a plant operation manual for operator review and reference. Specifically the facility did not have an up to date manual detailing routine maintenance procedures [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>3) Failed to equip the ground storage tank with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>4) Failed to adopt an adequate plumbing ordinance, regulation or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 296.46(i)].</p> <p>5) Failed to inspect the ground storage tank at least annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>6) Failed to inspect the pressure tank at least annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p>	<p><b>Total Assessed:</b> \$788</p> <p><b>Total Deferred:</b> \$158  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$130 (remaining \$500 due in 5 monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> <li>i. Pay all outstanding fees, including any associated penalties and interest;</li> <li>ii. Commence conducting and recording the results of annual inspections of the ground storage and pressure tanks;</li> <li>iii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and</li> <li>iv. Submit a copy of a well drillers log or other documentation verifying compliance with well completion data requirements.</li> </ul> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> <li>i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and</li> <li>ii. Provide the water storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43.</li> </ul> <p>c. Within 90 days after the effective date of this Agreed Order, secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a.i. through c.</p>

RESPONDENT'S NAME: Kelly House dba House Water System  
DOCKET NO.: 2006-0611-PWS-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7) Failed to maintain copies of well completion data, disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well on file [30 TEX. ADMIN. CODE § 290.46(n)(3)].</p> <p>8) Failed to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account No. 92200320 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].</p>		





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	24-May-2006	<b>Screening</b>	29-May-2006	<b>EPA Due</b>	
	<b>PCW</b>	31-May-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Kelly House dba House Water System		
<b>Reg. Ent. Ref. No.</b>	RN102318557		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	29549	<b>No. of Violations</b>	8
<b>Docket No.</b>	2006-0611-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Tel Croston
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

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

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

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

**Notes**

**Culpability**  **Subtotal 4**

**Notes**

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

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

**Notes**

**Economic Benefit** **Subtotal 6**

<b>Total EB Amounts</b>	<input type="text" value="\$402"/>	<b>0% Enhancement*</b>	
<b>Approx. Cost of Compliance</b>	<input type="text" value="\$1,900"/>	<i>*Capped at the Total EB \$ Amount</i>	

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 29-May-2006

Docket No. 2006-0611-PWS-E

PCW

Respondent Kelly House dba House Water System

Policy Revision 2 (September 2002)

Case ID No. 29549

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102318557

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	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 judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (number of events)	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</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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The respondent was issued one NOV for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

<b>Screening Date</b>	29-May-2006	<b>Docket No.</b>	2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b>	Kelly House dba House Water System	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	29549	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN102318557			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(F)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to secure sanitary control easements for all property within 150 feet of the well location from adjacent landowners and to have the easements recorded at the county courthouse.			
<b>Base Penalty</b>				\$1,000

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

	<b>Harm</b>			
	Major	Moderate	Minor	
<b>Release</b>				
Actual				
Potential			x	<b>Percent</b> <input type="text" value="5%"/>

>> **Programmatic Matrix**

	Major	Moderate	Minor	
<b>Falsification</b>				<b>Percent</b> <input type="text"/>

Matrix Notes Failure to provide a sanitary control easement could expose the water source to contamination with an insignificant amount of pollutants which would not exceed levels protective of human health.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

**Violation Base Penalty**

One event is recommended.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	05-May-2006	31-Dec-2006	0.7	\$8	n/a	\$8

Notes for DELAYED costs: Estimated costs necessary to complete activities needed to ensure a sanitary control easement is provided for the well. Date Required is the investigation date. Final Date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance  TOTAL



**Screening Date** 29-May-2006

**Docket No.** 2006-0611-PWS-E

**PCW**

**Respondent** Kelly House dba House Water System

*Policy Revision 2 (September 2002)*

**Case ID No.** 29549

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102318557

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Tel Croston

**Violation Number** 2

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.42(l)

**Secondary Rule Cite(s)**

**Violation Description**  
Failed to provide a plant operation manual for operator review and reference. Specifically the facility did not have an up to date manual detailing routine maintenance.

**Base Penalty** \$1,000

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

**Harm**

Release	Major	Moderate	Minor
Actual			
Potential			

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	X		

**Percent** 10%

**Matrix Notes** Failed to comply with 100% of the rule requirement.

**Adjustment** -\$900

**Base Penalty Subtotal** \$100

**Violation Events**

**Number of Violation Events** 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$100

A single event is recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$29

**Violation Final Penalty Total** \$105

**This violation Final Assessed Penalty (adjusted for limits)** \$105

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] 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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	05-May-2006	30-Jun-2007	1.2	\$29	n/a	\$29

Notes for DELAYED costs: Estimated cost to compile a plant operations manual. Date Required is the investigation date. Final Date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500** TOTAL **\$29**

<b>Screening Date</b>	29-May-2006	<b>Docket No.</b>	2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b>	Kelly House dba House Water System			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	29549			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN102318557			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	<input type="text" value="3"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(4)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failed to equip the ground storage tank with a liquid level indicator located at the tank site."/>			
		<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

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

	<b>Harm</b>			
	Major	Moderate	Minor	
<b>Release</b>				
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<b>x</b>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

	daily	<input type="text"/>
	monthly	<input type="text"/>
<i>mark only one</i>	quarterly	<input type="text"/>
<i>use a small x</i>	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<b>x</b>

**Violation Base Penalty**

A single event is recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$200	05-May-2006	30-Jun-2007	1.2	\$1	\$15	\$16
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a proper water level indicator for the GST. Date required is the investigation date and the final date is the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance  TOTAL

**Screening Date** 29-May-2006 **Docket No.** 2006-0611-PWS-E **PCW**  
**Respondent** Kelly House dba House Water System *Policy Revision 2 (September 2002)*  
**Case ID No.** 29549 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102318557  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Tel Croston  
**Violation Number** 4  
**Primary Rule Cite(s)** 30 Tex. Admin Code § 296.46(i)  
**Secondary Rule Cite(s)**  
**Violation Description** Failed to adopt an adequate plumbing ordinance, regulation or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.  
**Base Penalty** \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	X			Percent 10%

Matrix Notes: Failed to comply with 100% of the rule requirement.

**Adjustment** -\$900  
**Base Penalty Subtotal** \$100

**Violation Events**

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$100

One monthly event is recommended continuing from the May 5, 2006 investigation date to the May 29, 2006 screening date.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$29

**Statutory Limit Test**

**Violation Final Penalty Total** \$105

**This violation Final Assessed Penalty (adjusted for limits)** \$105

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] 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	Economic Benefit	
						Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	05-May-2006	30-Jun-2007	1.2	\$29	n/a	\$29

Notes for DELAYED costs: Estimated cost to compile a plumbing ordinance, regulation or service agreement. Date Required is the investigation date. Final Date is the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500** TOTAL **\$29**

<b>Screening Date</b>	29-May-2006	<b>Docket No.</b>	2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b>	Kelly House dba House Water System			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	29549			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN102318557			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	<input type="text" value="5"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failure to inspect the ground storage tank at least annually."/>			
		<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
	Potential	<input type="text"/>	<b>x</b>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
<i>mark only one</i>	<i>quarterly</i>	<input type="text"/>
<i>use a small x</i>	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<b>x</b>
	<i>single event</i>	<input type="text"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] 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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	05-May-2005	05-May-2006	1.0	\$8	\$150	\$158
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs  
 Estimated cost to perform an annual inspection of the ground storage and pressure storage tanks. Date Required is the investigation date. Final Date is the estimated date of compliance.

Approx. Cost of Compliance

**TOTAL**



<b>Screening Date</b> 29-May-2006	<b>Docket No.</b> 2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b> Kelly House dba House Water System	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 29549	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102318557		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="6"/>		
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)"/>	
<b>Secondary Rule Cite(s)</b>	<input type="text"/>	
<b>Violation Description</b>	<input type="text" value="Failure to inspect the pressure tank at least annually."/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

<b>Harm</b>				
<b>Release</b>	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="checkbox"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One annual event is recommended for failure to conduct annual inspections of the pressure tank during the 12 month period preceding the May 5, 2006 inspection.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] 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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

--

**Avoided Costs**

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

Item Description	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	05-May-2005	05-May-2006	1.0	\$8	\$150	\$158
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to perform an annual inspection of the ground storage and pressure storage tanks. Date Required is the investigation date. Final Date is the estimated date of compliance.

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	29-May-2006	<b>Docket No.</b>	2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b>	Kelly House dba House Water System			<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b>	29549			<small>PCW Revision May 19, 2005</small>
<b>Reg. Ent. Reference No.</b>	RN102318557			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	<input type="text" value="7"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(n)(3)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failed to maintain copies of well completion data, disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well on file."/>			
		<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

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

		<b>Harm</b>			
		Major	Moderate	Minor	
OR	<b>Release</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	<b>Falsification</b>	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<small>mark only one use a small x</small>	<small>daily</small>	<input type="text"/>
	<small>monthly</small>	<input type="text"/>
	<small>quarterly</small>	<input type="text"/>
	<small>semiannual</small>	<input type="text"/>
	<small>annual</small>	<input type="text"/>
	<small>single event</small>	<input type="text" value="X"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Kelly House dba House Water System  
 Case ID No. 29549  
 Reg. Ent. Reference No. RN102318557  
 Media [Statute] 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	Overtime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	05-May-2006	30-Dec-2006	0.7	\$5	n/a	\$5

Notes for DELAYED costs: Estimated cost to compile and maintain files of well completion data, disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well. Date Required is the investigation date. Final Date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$150** TOTAL **\$5**

<b>Screening Date</b> 29-May-2006	<b>Docket No.</b> 2006-0611-PWS-E	<b>PCW</b>
<b>Respondent</b> Kelly House dba House Water System	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 29549	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102318557		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> 8		
<b>Primary Rule Cite(s)</b>	Tex. Water Code § 5.702	
<b>Secondary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(3)	
<b>Violation Description</b>	Failure to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account No. 92200320 as documented in a record review conducted on June 2, 2006.	
<b>Base Penalty</b>		\$1,000

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text"/>

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
<i>mark only one</i>	quarterly	<input type="text"/>
<i>use a small x</i>	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

No additional administrative penalty was calculated for this violation as penalties and/or interest will be assessed on the next fee billing.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

**Economic Benefit Worksheet**

**Respondent** Kelly House dba House Water System  
**Case ID No.** 29549  
**Reg. Ent. Reference No.** RN102318557  
**Media [Statute]** Public Water Supply  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: N/A

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$0** **TOTAL** **\$0**

# Compliance History

Customer/Respondent/Owner-Operator:	CN601225097 , HOUSE, KELLY	Classification: N/A	Rating:
Regulated Entity:	RN102318557 HOUSE WATER SYSTEM	Classification: N/A	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENCE	2200320 2200320
Location:	5566 MITCHELL SAXON RD, Tarrant County		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	May 24, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 24, 2001 to May 24, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Amy Martin</u>	Phone:	<u>512-239-2540</u>

## Site Compliance History Components

- |  |     |
|--|-----|
| 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 of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 05/19/2006 (465197)
  - 2 10/11/2005 (432584)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 1 Date: 10/11/2005 (432584)
    - Self Report? NO Classification: Moderate
    - Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
    - Description: Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement.
    - Self Report? NO Classification: Minor
    - Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
    - Description: Failure to provide a plant operations manual.
    - Self Report? NO Classification: Minor
    - Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
    - Description: Failure to make available sanitary control easements for all wells at the time of inspection. A sanitary easement covering all property within 150 feet of each well location must be secured from adjacent landowners and recorded at the county courthouse to ensure that hazards will not develop in each well area.
    - Self Report? NO Classification: Minor
    - Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
    - Description: Failure to maintain copies of well completion data [well material setting data, geological log, sealing information (pressure cementing and surface protection)], disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well.
    - Self Report? NO Classification: Minor
    - Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to equip the ground storage tank with a water level indicator located at the tank site. The indicator may be a float with a moving target, an ultrasonic level indicator, or a pressure gauge calibrated in feet of water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to inspect both the ground and pressure storage tanks at least annually.

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  
KELLY HOUSE DBA HOUSE WATER  
SYSTEM  
RN102318557

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-0611-PWS-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kelly House dba House Water System ("Mr. House") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. House appear before the Commission and together stipulate that:

1. Mr. House owns and operates a public water system at 5566 Mitchell Saxon Road in Tarrant County, Texas (the "Facility") that has approximately 27 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Mr. House agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. House is subject to the Commission's jurisdiction.
3. Mr. House received notice of the violations alleged in Section II ("Allegations") on or about May 24, 2006
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. House of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seven Hundred Eighty-Eight Dollars (\$788) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. House has paid One Hundred Thirty Dollars (\$130) of the administrative penalty and One Hundred Fifty-Eight Dollars (\$158) is deferred contingent upon Mr. House's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. House fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. House to pay all or part of the deferred penalty.



The remaining amount of Five Hundred Dollars (\$500) of the administrative penalty shall be payable in five monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. House fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. House to meet the payment schedule of this Agreed Order constitutes the failure by Mr. House to timely and satisfactorily comply with all the terms of this Agreed

6. 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.
7. The Executive Director of the TCEQ and Mr. House have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 Mr. House has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Mr. House is alleged to have:

1. Failed to secure sanitary control easements for all property within 150 feet of the well location from adjacent landowners and to have the easements recorded at the county courthouse at the time of inspection, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during a record review conducted on May 5, 2006.
2. Failed to provide a plant operation manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1), as documented during a record review conducted on May 5, 2006. Specifically the facility did not have an up to date manual detailing routine maintenance procedures.

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the findings and the conclusions drawn from the study. The third part of the paper discusses the limitations of the study and the areas for future research.

The study was conducted in a laboratory setting and the results were compared with those obtained in previous studies. The findings of the study are discussed in detail and the implications of the findings are discussed. The conclusions drawn from the study are discussed and the limitations of the study are discussed.

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3. Failed to equip the ground storage tank with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during a record review conducted on May 5, 2006.
4. Failed to adopt an adequate plumbing ordinance, regulation or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 296.46(i), as documented during a record review conducted on May 5, 2006.
5. Failed to inspect the ground storage tank at least annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during a record review conducted on May 5, 2006.
6. Failed to inspect the pressure tank at least annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during a record review conducted on May 5, 2006.
7. Failed to maintain copies of well completion data, disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well on file, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3), as documented during a record review conducted on May 5, 2006.
8. Failed to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account No. 92200320, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3), as documented during a record review conducted on June 2, 2006.

### III. DENIALS

Mr. House generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. House pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. House's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kelly House dba House Water System, Docket No. 2006-0611-PWS-E" to:

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



2. It is further ordered that Mr. House shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

i. Pay all outstanding fees, including any associated penalties and interest and with the notation "Kelly House dba House Water System TCEQ Financial Administration Account No. 92200320", to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Natural Resource Conservation Commission  
P.O. Box 13088  
Austin, Texas 78711-3088

ii. Commence conducting and recording the results of annual inspections of the ground storage and pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46;

iii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, as required by 30 TEX. ADMIN. CODE § 290.46; and

iv. Submit a copy of a well drillers log or other documentation verifying compliance with well completion data requirements, as required by 30 TEX. ADMIN. CODE § 290.46.

b. Within 60 days after the effective date of this Agreed Order:

i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42; and

ii. Provide the water storage tank with a water level indicator compliant with 30 TEX. ADMIN. CODE § 290.43.

c. Within 90 days after the effective date of this Agreed Order, secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41.

d. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a.i. through 2.c., as described below;

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry





of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. House. Mr. House is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. House shall be made in writing to the Executive Director. Extensions are not effective until Mr. House receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. House in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. House, or three days after the date on which the Commission mails notice

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7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. House, or three days after the date on which the Commission mails notice of the Order to Mr. House, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



Kelly House dba House Water System  
DOCKET NO. 2006-0611-PWS-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

3/27/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Kelly M. House  
Signature

10-31-06  
Date

Kelly M. House  
Name (Printed or typed)  
Authorized Representative of  
Kelly House dba House Water System

OWNER  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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