## 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:			
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	_AMENDED ORDER	_IMMINENT AND SUBSTANTIAL
_SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	EMERGENCY ORDER	ENDANGERMENT ORDER
CASE TYPE:			
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
_OCCUPATIONAL CERTIFICATION	PETROLEUM STORAGE TANKS	X PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY	<u> </u>	
TYPE OF OPERATION: Public water SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: INTERESTED PARTIES: No one office.	No There are no complaints. There is no recent than the ED and the Respondent has exp	ord of additional pending enforcement actions reg	arding this facility location.
COMMENTS RECEIVED: The Texa	s Register comment period expired on Feb	ruary 26, 2007. No comments were received.	
MC 219, (512) 239-1896 TCEQ Field Investigator: Macespondent: Mr. Kelly House	nator: Ms. Amy Martin, Enforcement Divi s. Erin Tanski, DFW Regional Office, MC	hell Saxon Road, Fort Worth, Texas 76140-8051	2540; Mr. Steven Lopez, Enforcement Division

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

#### **VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint Routine Enforcement Follow-upX Records Review	Total Assessed: \$788	Ordering Provisions:
Date of Complaint Relating to this Case: None	Total Deferred: \$158  X Expedited Settlement	The Order will require the Respondent to:
Dates of Investigations Relating to this Case: May 5 and June	Financial Inability to Pay	a. Within 30 days after the effective date of this Agreed Order:
2, 2006  Date of NOE Relating to this Case: May 19, 2006 (NOE)	SEP Conditional Offset: \$0	i. Pay all outstanding fees, including any associated penalties and interest;
Background Facts: These were routine record reviews. Eight	Total Paid (Due) to General Revenue: \$130 (remaining \$500 due in 5 monthly payments of \$100 each)	ii. Commence conducting and recording the results of annual inspections of the ground storage and pressure tanks;
violations were documented.  WATER	Site Compliance History Classification:HighAvgPoor	iii. Adopt an adequate plumbing ordinance, regulations, or
1) Failed to secure sanitary control easements for all property	Person Compliance History Classification:HighAvgPoor	service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and
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)].	Major Source:YesX_No  Applicable Penalty Policy: September 2002	iv. Submit a copy of a well drillers log or other documentation verifying compliance with well completion data requirements.
2) Failed to provide a plant operation manual for operator review and reference. Specifically the facility did not have an		b. Within 60 days after the effective date of this Agreed Order:
up to date manual detailing routine maintenance procedures [30 Tex. ADMIN. CODE § 290.42(1)].		i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and
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)].	### The second of the second o	ii. Provide the water storage tank with a water level indicator compliant with 30 Tex. ADMIN. CODE § 290.43.
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		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.
plumbing practices are permitted [30 Tex. ADMIN. CODE § 296.46(i)].		d. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a.i.
5) Failed to inspect the ground storage tank at least annually [30 Tex. ADMIN. CODE § 290.46(m)(1)].		through c.
6) Failed to inspect the pressure tank at least annually [30 Tex. ADMIN. CODE § 290.46(m)(1)].		

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

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
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)].		
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)].		

Pa	ge 1 of 18 03/22/07 H:\Agreed Orders\HouseWaterSystem-KellyHous	se\PCW.wb3	
	Penalty Calculation Worksheet (PCW)		
Policy Revision 2 (	Peptember 2002)	PCW Revision May 19, 2	005
TCEQ		·	
	24-May-2006   Screening   29-May-2006   EPA Due		
PGW	51-May-2000 Screening 29-May-2000 EFA Due		J
RESPONDENT/FACIL	TY INFORMATION		
	Kelly House dba House Water System		
Reg. Ent. Ref. No.	RN102318557		
Facility/Site Region	4-Dallas/Fort Worth Major/Minor Source	Minor Source	<
CASE INFORMATION			
Enf./Case ID No.	No. of Violations	8	
Docket No.	2006-0611-PWS-E Order Type		<
<u> </u>	Public Water Supply Enf. Coordinator		
Multi-Media		Enforcement Team 2	
Admin. Penalty \$ Li	mit Minimum \$50 Maximum \$1,000		
	Donalty Coloulation Coation		
	Penalty Calculation Section		
	(N. 734 (A	Subtotal 1	\$750
TOTAL BASE PEN	ALTY (Sum of violation base penalties)	Subtotal 1	\$130
AD HISTMENTS /	·/-) TO SUBTOTAL 1		
ADJUST WIENTS (7	btained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance H		otals 2, 3, & 7	\$38
'	The respondent was issued one NOV for the same or similar violations in		
Notes	the past five years.		
<b>.</b>			
Culpability	No S Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet the criteria for culpability.		
Notes	The respondent does not most the offend for edipositing.		
	00/ Parketter	Subtotal 5	\$0
Good Faith Et	fort to Comply 0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	อนมเงเลเ บ	Ψ0
Extraordinary	Before NOV NOV to EDFINFIGURE HIGH. Offer		
Ordinary		•	
N/A	X (mark with a small x)	1	
Notes	The respondent is not yet in compliance.		
110103	The respondencia her years compilation		
	50/ Fabourant*	Subtotal 6	\$0
Economic Be	nefit 0% Enhancement*  Total EB Amounts \$402 *Capped at the Total EB \$ Amount	Subtotal o	Ψ
	ost of Compliance \$1,900		
• .			
SUM OF SUBTOT	ALS 1-7	Final Subtotal	\$788
	S AS JUSTICE MAY REQUIRE	Adjustment	\$0
Reduces or enhances the Fi	nal Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	1	
Notes			
	Final De	enalty Amount	\$788
· reconstruction	riliai re	many Amount	4.00
STATUTORY LIM	T ADJUSTMENT Final Ass	essed Penalty	\$788
J.A.U.UKI LIMI	1 / DOGG ( III E I I )	<u>* L</u>	
DEFERRAL	20% Reduction	Adjustment	-\$158
	Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)		
	Deferral offered for expedited settlement.		
Notes	Desertal officieu for expedition settlettient.	] .	

PAYABLE PENALTY

Screening Date 29-May-2006

Docket No. 2006-0611-PWS-E

PCW

Respondent Kelly House dba House Water System

Case ID No. 29549

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102318557

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component		ter Number Here	Adjust.
	Written NOVs with same or similar violations as those in the current	1	5%
NOVs	enforcement action (number of NOVs meeting criteria)		( Asida a sa
***************************************	Other written NOVs	0	0%`
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement order 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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	g 0	0%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a deni of liability, of this state or the federal government	al 0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	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 (number of audits for which notices were	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Olitei	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)	5%				
>>	Repeat Violator	(Subtotal 3)						
	N/A	and the second s	Adjustment Percentage (Subtotal 3)	0%				
>>	Compliance Hist	ory <i>Person</i> Classification	(Subtotal 7)	-43				
	N/A		Adjustment Percentage (Subtotal 7)	0%				
<b>&gt;&gt;</b> _	Compliance Hist	ory Summary						
	Compliance The respondent was issued one NOV for the same or similar violations in the past five years.							
	90	Tota	al Adiustment Percentage (Subtotals 2, 3, & 7)	5%				

H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 3 of 18 03/22/07 PCW Screening Date 29-May-2006 Docket No. 2006-0611-PWS-E 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** 30 Tex. Admin. Code § 290.41(c)(1)(F) Primary Rule Cite(s) Secondary Rule Cite(s) Failed to secure sanitary control easements for all property within 150 feet of the well location from adjacent landowners and to have the easements Violation Description recorded at the county courthouse. \$1,000 **Base Penalty** Environmental, Property and Human Health Matrix Harm Release Moderate Minor Major OR Actual Percent 5% Potential **Programmatic Matrix** >> Falsification Moderate Percent Failure to provide a sanitary control easement could expose the water source to contamination with an insignificant amount of pollutants which Matrix Notes would not exceed levels protective of human health. Adjustment -\$950 Base Penalty Subtotal \$50 **Violation Events** Number of Violation Events daily monthly \$50 Violation Base Penalty mark only one quarterly use a small > sinale event One event is recommended. **Statutory Limit Test** Economic Benefit (EB) for this violation

Estimated EB Amount

\$8

**Violation Final Penalty Total** 

This violation Final Assessed Penalty (adjusted for limits)

\$53 \$53

Deenondont	EC	conomic B	enefit Wo	rkshe	et :	ABOUT THE	
respondent	Kelly House db	oa House Wate	r System			· · · · · · · · · · · · · · · · · · ·	
Case ID No.	29549	• "					,
Reg. Ent. Reference No.						er er er er	
Media [Statute]	Public Water S	Supply		•		Percent	Years of
Violation No.	1				and the later	Interest	Depreciation
						.5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	,No commas or \$					to english sales in	u da milinañ
					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	No. of the con-	and the state
Delayed Costs	***************************************						,
Equipment				0.0	\$0	\$0	<b>\$</b> C
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	Parameter and a second contract of the second			0.0	31.80	' n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	া াn/a	\$0
	\$250	05-May-2006	31-Dec-2006	0.7	\$8	, n/a	\$8
Other (as needed)							
Other (as needed)		l costs necessa provided for the	well. Date R	equired	is the investiga		
			well. Date R	equired			
Notes for DELAYED costs	easement is p	provided for the	well. Date R estimated	equired date of c	is the investiga ompliance.	ation date. Fin	al Date is the
Notes for DELAYED costs  Avoided Costs	easement is p		well. Date R estimated	equired date of contents	is the investigation ompliance.	ation date. Fin	al Date is the
Notes for DELAYED costs  Avoided Costs Disposal	easement is p	provided for the	well. Date R estimated	equired date of contering ite	is the investigation ompliance.  Begin to the second of th	ation date. Fin	al Date is the
Notes for DELAYED costs  Avoided Costs Disposal Personnel	easement is p	provided for the	well. Date R estimated	equired date of c	is the investige ompliance. om (except for on \$0 \$0	ation date. Finds	psts)
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling	easement is p	provided for the	well. Date R estimated	equired date of contering ite	is the investige ompliance.  In the investige of the investigation of th	ation date. Finds	osts)  \$(
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	easement is	provided for the	well. Date R estimated	equired date of contering ite 0.0 0.0 0.0 0.0 0.0	is the investigation of the in	ation date. Finds	osts)  \$(
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	provided for the	well. Date R estimated	ntering ite	is the investigation of the in	ne-time avoided cc \$0 \$0 \$0 \$0 \$0	osts)  \$ (\$)  \$ (\$)  \$ (\$)
Avoided Costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]	ANN	provided for the	well. Date R estimated	ntering ite   0.0    0.0    0.0    0.0    0.0    0.0	is the investigation of the in	ation date. Find the street avoided control of the street avoided	osts)  \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$( \$(
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	provided for the	well. Date R estimated	ntering ite	is the investigation of the in	ne-time avoided cc \$0 \$0 \$0 \$0 \$0	al Date is the
Avoided Costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	provided for the	well. Date R estimated	ntering ite   0.0    0.0    0.0    0.0    0.0    0.0	is the investigation of the in	ation date. Find the street avoided control of the street avoided	osts)  \$ ( \$ ( \$ ( \$ ( \$ ( \$ ( \$ ( \$ ( \$ ( \$

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H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 5 of 18 03/22/07 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 30 Tex. Admin. Code § 290.42(I) Primary Rule Cite(s) Secondary Rule Cite(s) Failed to provide a plant operation manual for operator review and Violation Description 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 Moderate Major OR Actual Percent Potential >> **Programmatic Matrix** Falsification Moderate Percent 10% Matrix Notes Failed to comply with 100% of the rule requirement. Adjustment -\$900 \$100 **Base Penalty Subtotal Violation Events** Number of Violation Events daily monthly \$100 Violation Base Penalty mark only one quarterly use a small x semiannual annual single event A single event is recommended. Economic Benefit (EB) for this violation **Statutory Limit Test** \$105 Violation Final Penalty Total Estimated EB Amount \$29

This violation Final Assessed Penalty (adjusted for limits)

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Respondent Case ID No. Reg. Ent. Reference No.	Kelly House db 29549				en de la companya de La companya de la co		
Media [Statute] Violation No.	Public Water S	Supply				Percent Interest 5.0	Years of Depreciation 15
	Item	Date	Final	Yrs	Interest	Onetime ( i )	
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						ending and law
Delayed Costs		t attyra i j			C. St. ac		
Equipment		42 11 11 11 11 11 11 11 11 11 11 11 11 11	auto un valor	0.0		រស្សាស្មាក 😅 💲 🔾	oft \$0
Buildings		инивиливически периодиливически	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	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		5411	. 11	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 o		a plant operational Date is the				nvestigation
Avoided Costs	ANNI	JALIZE [1] avoide	ed costs before en	tering ite	em (except for on	ie-time avoided c	osts}
Disposal	(AND AND AND AND AND AND AND AND AND AND			0.0	\$0	\$0	\$0
Personnel		incon an arcachalar ar un artacharan artain cean		0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	According to the second			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)	Secure and the second secure and the second			0.0	\$0	\$0	\$0
Notes for AVOIDED costs			ta paranta and a sangara and a sangara sangara sangara sangara sangara sangara sangara sangara sangara sangar			normanica de la composição	garahuma orang manahan
Approx. Cost of Compliance	\$500		•	, dts		TOTAL	\$29

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H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 7 of 18 03/22/07 Screening Date 29-May-2006 **PCW** Docket No. 2006-0611-PWS-E 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** 30 Tex. Admin. Code § 290.43(c)(4) Primary Rule Cite(s) Secondary Rule Cite(s) Failed to equip the ground storage tank with a liquid level indicator located **Violation Description** at the tank site. Base Penalty \$1,000 **Environmental, Property and Human Health Matrix** >> Harm Release Moderate OR Actual Percent 5% Potential **Programmatic Matrix** Falsification Major Moderate Percent Failure to have a proper water level indicator on the ground storage tank can contribute to inadequate water supply because the operator cannot Matrix Notes make the necessary production and usage calculations to ensure a continuous and safe water supply. Adjustment -\$950 \$50 Base Penalty Subtotal **Violation Events** Number of Violation Events monthly \$50 Violation Base Penalty *auarterly* mark only one use a small x semiannual annual sinale event A single event is recommended. **Statutory Limit Test Economic Benefit (EB) for this violation** \$53 Violation Final Penalty Total Estimated EB Amount \$16

This violation Final Assessed Penalty (adjusted for limits)

			enefit Wo	rksne	et		(Tab)
Respondent	Kelly House di						
Case ID No.							
Reg. Ent. Reference No.	RN102318557				58.0	1	
Media [Statute]				+4	Table [	Percent	Years of
Violation No.							Depreciatio
						5.0	1
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
					. 1,		. 1-
Delayed Costs	211 BK	and the second of the first	· (4)	11		مراك ويتحوان	
Equipment	\$200	05-May-2006	30-Jun-2007	1.2	\$1	\$15	\$1
Buildings				0.0	\$0	\$0	\$
Other (as needed)				0.0	\$0	\$0	\$
Engineering/construction				0.0	\$0	\$0	\$
Land			n errorement er er natur er and er ne	0.0	\$0	n/a	\$
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a	\$
Remediation/Disposal				0.0	\$0	n/a	\$
Permit Costs			. :	0.0	\$0	n/a	\$
Other (as needed)				0.0	\$0	n/a	\$
Notes for DELAYED costs	Estimated c	ost to provide a	proper water	level inc	licator for the	GST. Date req	uired is the
Notes for DELAYED Costs		stigation date a					
	<b>Стинининининининини</b>						onetworkeethetoroodestest of seeds
			*				
Avoided Costs	ANN	JALIZE [1] avoide	d costs before e	ntering ite	m (except for on	e-time avoided co	sts)
Disposal				0.0	\$0	\$0	\$
Personnel				0.0	\$0	\$0	\$
inspection/Reporting/Sampling				0.0	\$0	\$0	\$
Supplies/equipment				0.0	\$0	\$0	\$
Financial Assurance [2]			THE PROPERTY OF THE PROPERTY O	0.0	\$0	\$0	\$
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$
Other (as needed)				0.0	\$0	\$0	\$
Notes for AVOIDED costs						٠	
					armiana ya mata tanta matanya mahamini anda maha	Terretorement of enterestable in profession in the state of the state	
Approx. Cost of Compliance	\$200					TOTAL	. \$1

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H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 9 of 18 03/22/07 **PCW** Screening Date 29-May-2006 Docket No. 2006-0611-PWS-E 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** 30 Tex. Admin Code § 296.46(i) Primary Rule Cite(s) Secondary Rule Cite(s) Failed to adopt an adequate plumbing ordinance, regulation or service agreement with provisions for proper enforcement to insure that neither **Violation Description** cross-connections nor other unacceptable plumbing practices are permitted. \$1,000 **Base Penalty Environmental, Property and Human Health Matrix** Harm Release Moderate Minor OR Actual Percent Potential **Programmatic Matrix** Percent 10% Failed to comply with 100% of the rule requirement. Matrix Notes Adjustment -\$900 \$100 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly \$100 Violation Base Penalty mark only one quarterly use a small x semiannual annual inale event 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

**Statutory Limit Test** 

Estimated EB Amount

\$29

Violation Final Penalty Total

\$105

This violation Final Assessed Penalty (adjusted for limits)

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Respondent Case ID No.	Kelly House di	oa House Wate	r System		Lodge Jan 1	in data de la ci	
					4.1234	18 KAL 1 1.	:
Reg. Ent. Reference No.					N. F. J. 1974	82222	
Media [Statute]		suppiy			31.45	Percent	Years of
Violation No.	4					Interest	Depreciation
						5.0	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					the same right of a	
				1. 1. 1			
Delayed Costs	A Design of the latest of the	ganamanan mahaban manaman ya	pulariemanajementeriaristicile	n a an		4.5	
Equipment	Engrantemicronomic de des de la company de l			0.0		\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	glara de la composition della			0.0	\$0	\$0	\$0
Land	ile normania and an annual			0.0	\$0	n/a	\$0
Record Keeping System	Transaction of the second of t			0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			January Market Street Control of	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						service agreer ted date of con	
		•••••••••••••••••••••••••••••••					······································
Avoided Costs	ANN	UALIZE [1] avoide	d costs before er	itering ite	em (except for or	ne-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		CANALISTON NAMED AND AND ADDRESS OF THE PERSON NAMED AND ADDRE	ACTURE VIOLENCE CONTRACTOR CONTRA	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					-	g sent for the	tion in the
				CONTRACTOR DE DISTORDO			
Approx. Cost of Compliance	\$500					TOTAL	\$29

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H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 11 of 18 03/22/07 **PCW** Screening Date 29-May-2006 Docket No. 2006-0611-PWS-E 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** 30 Tex. Admin. Code § 290.46(m)(1) Primary Rule Cite(s) Secondary Rule Cite(s) Failure to inspect the ground storage tank at least annually. **Violation Description Base Penalty** \$1,000 **Environmental, Property and Human Health Matrix** >> Harm Release Moderate Major OR Actual Percent 10% Potential **Programmatic Matrix** Moderate Percent Failure to inspect the ground storage tank annually could result in a tank failure and expose human health to a significant amount of pollutants Matrix Notes which would not exceed levels that are protective of human health or environmental receptors. Adjustment -\$900 \$100 **Base Penalty Subtotal Violation Events** Number of Violation Events daily monthly \$100 Violation Base Penalty mark only one *quarterly* use a small x semiannual single event One annual event is recommended for failure to conduct annual inspections of the ground storage tank during the 12 month period preceding the May 5, 2006 inspection. Economic Benefit (EB) for this violation Statutory Limit Test Violation Final Penalty Total \$105 Estimated EB Amount

This violation Final Assessed Penalty (adjusted for limits)

Page 12 of	18 03/22/07	H:\Agreed O	rders\HouseWa	aterSys	tem-KellyHous	e\PCW.wb3	
Respondent Case ID No.	Kelly House di	conomic B oa House Wate		kshe	et		
Reg. Ent. Reference No.							
Media [Statute]	Public Water S	Supply				Percent	Years of
Violation No.	5				*		Depreciation
					·	5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	ЕВ
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					5 5	
in the second of							
Delayed Costs			;	ç	· · · · · · · · · · · · · · · · · · ·	1	
Equipment	\$5000000000000000000000000000000000000			0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	December of the contract of th			0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	Particular and in spirit in the control of the cont			0.0	\$0	n/a	\$0
Record Keeping System	Tradustra mentana ment			0.0	\$0	n/a	\$0
Training/Sampling	* Errorconsonation of the Contract of the Cont	·		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							1
Avolded Costs	Commission of the second secon	UALIZE [1] avoide	d costs before en	ering ite	\$0	-time avoided co	osts) \$0
Personnel	Bonnon			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]		<i></i>		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		st to perform a ate Required is	the investigation		. Final Date is		
			,	war and a second a		-	
Approx. Cost of Compliance	\$150				4	TOTAL	\$158

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Page 13 of 18 03/22/07 H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 PCW Screening Date 29-May-2006 Docket No. 2006-0611-PWS-E 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 30 Tex. Admin. Code § 290.46(m)(1) Primary Rule Cite(s) Secondary Rule Cite(s) Failure to inspect the pressure tank at least annually. **Violation Description** Base Penalty \$1,000 **Environmental, Property and Human Health Matrix** >> Harm Release Moderate Minor OR Actual 25% Potential Percent **Programmatic Matrix** Moderate Percent Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect causing loss of tank integrity and Matrix Notes customers of the water supply could be exposed to significant amounts of contamination at levels that are not protective of human health. -\$750 Adjustment \$250 **Base Penalty Subtotal Violation Events** Number of Violation Events daily monthly \$250 **Violation Base Penalty** mark only one quarterly use a small x annual sinale event 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. **Statutory Limit Test** Economic Benefit (EB) for this violation

\$158

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

\$263

	Ec	onomic B	enefit Wo	rkshe	et		
Respondent Case ID No. Reg. Ent. Reference No.	Kelly House db 29549			Kono		Action 1997	
Media [Statute] Violation No.	Public Water S	Supply			and a second sec	Percent Interest 5.0	Years of Depreciation
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					. The Prince	
Delayed Costs		et management komplete set springer i se	Maring ninginang kalabatan minte			وعساني سادروا والمساورة والمتاريخ	Šautustaja propininė maratama maratas
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	100			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				and the same of the same			
Avoided Costs	ANNI	IAI IZE Idi avolda	d aasts bafara an	toring ita	m layaant for a	ne-time avoided co	nete)
Disposal	paratamana ana ana ana ana ana ana ana ana an		innumentation in the contract of the contract	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	4130	03-Way-2003	00-May-2000	0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		raiorarainimininininanaininininininini	120201110101010101010101010101010101010	0.0	φο \$0	\$0	\$0
				0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed)	Fetimated co	et to perform a	n annual ineac			orage and pres	
Notes for AVOIDED costs			the investigati		. Final Date i	s the estimated	
Approx. Cost of Compliance	\$150		z ·		2	TOTAL	\$158

	Page 15 of 1	8 03/22/07 H:\Agı	reed Orders\l	louseWaterSystem-KellyHo	use\PCW.wt	o3
nous annous anniha ar anni An	Screening Date	29-May-2006	Dock	et No. 2006-0611-PWS-E		PCW
	Respondent	Kelly House dba Hous	Policy Rev	ision 2 (September 2002)		
	Case ID No.	•	PC	W Revision May 19, 2005		
Reg.	Ent. Reference No.	RN102318557				
_	Media [Statute]	Public Water Supply				
	Enf. Coordinator	Tel Croston				•
	Violation Number					1
	Primary Rule Cite(s)	30	Tex. Admin.	Code § 290.46(n)(3)		
	Secondary Rule Cite(s)					
	Violation Description	microbiological sa	ample results	ompletion data, disinfection and a chemical analysis report of water from the well on file	ort of a	
			,	В	ase Penalty	\$1,000
>> OR >>	Release Actual Potential  Programmatic Mat Falsification  Matrix Notes	Harm Major Moderate	Minor	Percent 100	%	
90000000000000000000000000000000000000				Adjustme	nt	
				Base Pena	ity Subtotal	\$100
			•	Buso i one	nty Gubiotai	
	Violation Events  Number of Viola	tion Events 1				
	mark only one use a small :	monthly quarterly		Violation B	ase Penalty	\$100
			event is recor			
	Economic Benefit	(EB) for this viola	tion	Statutory Limit		
	Estimated E	B Amount \$5		Violation Final F	enalty Total	\$105

This violation Final Assessed Penalty (adjusted for limits)

_ , ,	Ec	onomic B	enefit Wo	rkshe	et	arst or a	
Respondent Case ID No. Reg. Ent. Reference No.		a House Wate	r System	iji i	er jet Herena	Marian de la companya	
	Public Water Supply					Percent Years of Interest Depreciatio	
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost,	Required	Date	ş.*	Saved	Costs	Amount
Description	No commas or \$						
						15 15 15	**.
Delayed Costs	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					· · · · · · · · · · · · · · · · · · ·	
Equipment		American Company		0.0	\$0	\$0	erer anaren aren aren aren aren aren are
Buildings			2	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	dan andromonium annomario and anno			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)		05-May-2006			\$5	n/a lata, disinfectio	\$5
Notes for DELAYED costs	microbiologic	al sample resu	lts and a chen quired is the ir	nical ana	llysis report of ion date. Fina	f a representational Date is the es	ve sample of
Avoided Costs	ANNU	JALIZE [1] avoide	d costs before e	ntering ite	m (except for or	ne-time avoided co	
Avoided Costs Disposal	ANNL	JALIZE [1] avoide	d costs before e	0.0	\$0	\$0	\$C
	ANNU	JALIZE [1] avoide	d costs before e	0.0	\$0 \$0	\$0 \$0	\$C \$C
Disposal Personnel Inspection/Reporting/Sampling		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		JALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

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H:\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3 Page 17 of 18 03/22/07 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 Tex. Water Code § 5.702 Primary Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3) Secondary Rule Cite(s) Failure to pay Public Health Service fees, including late fees, for TCEQ Financial Administration Account No. 92200320 as documented in a Violation Description record review conducted on June 2, 2006. \$1,000 **Base Penalty Environmental, Property and Human Health Matrix** >> Harm Release Moderate OR Actual Percent Potential **Programmatic Matrix** >> Falsification Percent Matrix Notes Adjustment -\$1,000 Base Penalty Subtotal **Violation Events** Number of Violation Events daily monthly \$0 Violation Base Penalty mark only one quarterly use a small x semiannual ingle event No additional administrative penalty was calculated for this violation as penalties and/or interest will be assessed on the next fee billing. **Statutory Limit Test** Economic Benefit (EB) for this violation Violation Final Penalty Total \$0 Estimated EB Amount \$0

This violation Final Assessed Penalty (adjusted for limits)

Page 18 of 18 03/22/07 H;\Agreed Orders\HouseWaterSystem-KellyHouse\PCW.wb3

	Eo	onomic B	enefit Wo	rkshe	et		
Respondent	Kelly House dba House Water System						
Case ID No.							
Reg. Ent. Reference No.							
	Public Water Supply			*	ii aha ahaif	Percent	Years of
Violation No.						Interest	Depreciation
					t galasia 👢	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	∖ EB
ltem	Cost	Required	Date	å	Saved	Costs	Amount
Description	No commas or \$		The same	4.		and the second	
						No. of the Control of	
Delayed Costs	element and a description of the second and a cold		netronomore et enficiente materiale de la rec	hayanananananan			proper description of the second
Equipment				0.0	\$0.	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	10-1			0.0	\$0]	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$01	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 (1
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				N/A			
				***************************************			
•				te tike.	d complete	٠, ٠,	
		414 - 1		ia Tanananan	الديود إلى	Agra	
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	and description of the second		e-time avoided c	y
Disposal				0.0	<u>\$0</u>	\$0	\$0
' Personnel	ettettettattattattattattattattattattatta			0.0	\$0	\$0	φυ
Inspection/Reporting/Sampling	[	**************************************		0.0	\$0	\$0	\$0
Supplies/equipment		*1*************************************		0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	compression productive action of contraction			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs						· · · · · · · · · · · · · · · · · · ·	o alle
	Language and the second	randrumummaran maran managa a ang	ACTOR TO THE PROPERTY OF THE P				A THE STREET STREET, S
Approx. Cost of Compliance	\$0					TOTAL	\$0
		MANAGEMENT AND		of other constraints of the cons			

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#### Compliance History

Customer/Respondent/Owner-Operator:

CN601225097 a

HOUSE, KELLY

Classification: N/A

Rating:

Regulated Entity:

RN102318557 HOUSE WATER SYSTEM Classification: N/A

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

LICENSE

2200320 2200320

Location:

WATER LICENSING

5566 MITCHELL SAXON RD, Tarrant County

TCEQ Region:

REGION 04 - DFW METROPLEX

Date Compliance History Prepared:

Agency Decision Requiring Compliance History:

May 24, 2006 Enforcement

Compliance Period:

May 24, 2001 to May 24, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Amy Martin

512-239-2540

#### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

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:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

В. Any criminal convictions of the state of Texas and the federal government.

Chronic excessive emissions events. C.

N/A

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

1 05/19/2006

(465197)

2 10/11/2005

(432584)

Ε. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/11/2005

(432584)

Self Report? NO

Citation: Description: 30 TAC Chapter 290, SubChapter D 290.46(i)

Failure to adopt an adequate plumbing ordinance, regulations or a service agreement

with provisions for proper enforcement.

Self Report? NO

Classification: Minor

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.42(I)

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:

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	§	BEFORE THE
ENFORCEMENT ACTION	§ .	
CONCERNING	§	
KELLY HOUSE DBA HOUSE WATER	§	TEXAS COMMISSION ON
SYSTEM	§	
RN102318557	§	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(l), 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.

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Kelly House dba House Water System DOCKET NO. 2006-0611-PWS-E Page 3

- 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

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- 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

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. . Kelly House dba House Water System DOCKET NO. 2006-0611-PWS-E Page 5

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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Kelly House dba House Water System DOCKET NO. 2006-0611-PWS-E Page 6

- 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 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.

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Kelly House dba House Water System DOCKET NO. 2006-0611-PWS-E Page 7

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

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.

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Name (Printed or typed)

Authorized Representative of

Kelly House dba House Water System

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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