

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-2021-PWS-E **TCEQ ID:** RN104162300 **CASE NO.:** 35120  
**RESPONDENT NAME:** Ghuman Enterprise Inc. dba Amatos Food Mart 3

|  |   |  |
|--|---|--|
| <b>ORDER TYPE:</b>   |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER  | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER  | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER   | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <b>CASE TYPE:</b>  |   |  |
| <input type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE              |
| <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY  | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                  |
| <input type="checkbox"/> WATER QUALITY   | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE   | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Amatos Food Mart 3, 10675 Highway 242, Conroe, Montgomery County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 19, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/> <b>Respondent:</b> Mr. Pirtal Singh, President, Ghuman Enterprise Inc., P.O. Box 1529, Willis, Texas 77378<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|--|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 16, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>2) Failed to submit well completion data [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>3) Failed to provide an intruder-resistant fence to exclude possible contamination or damage to the facilities by trespassers [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>4) Failed to prepare and submit detailed "as-built" plans and specifications for Commission review and approval [30 TEX. ADMIN. CODE §§ 290.39(h)(1) and 290.46(n)(1)].</p> <p>5) Failed to maintain the water system and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> | <p><b>Total Assessed:</b> \$490</p> <p><b>Total Deferred:</b> \$98<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$392</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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 Agree Order:</p> <p>i. Develop a system monitoring plan that shows specified location(s) where bacteriological samples are collected; and</p> <p>ii. Submit well completion data, including copies of executed sanitary control easements for all property located within 150 feet of the well head, the well driller's log, and cementing certification, and an original and/or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and repair the broken hinges around the fence;</p> <p>ii. Submit "as-built" plans and specifications that are prepared by a registered professional engineer well versed in public water systems; and</p> <p>iii. Maintain the water system and all related appurtenances in a watertight condition, including but not limited to repairing a schraeder valve on the well.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> |

Additional ID No(s): PWS ID No. 1700737



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

**TCEQ**

|              |          |             |           |             |         |  |
|--------------|----------|-------------|-----------|-------------|---------|--|
| <b>DATES</b> | Assigned | 10-Dec-2007 | Screening | 17-Dec-2007 | EPA Due |  |
|              | PCW      | 17-Dec-2007 |           |             |         |  |

|  |   |                    |       |
|--|---|--------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |   |                    |       |
| Respondent                             | Ghuman Enterprise Inc. dba Amatos Food Mart 3 |                    |       |
| Reg. Ent. Ref. No.                     | RN104162300                                   |                    |       |
| Facility/Site Region                   | 12-Houston                                    | Major/Minor Source | Minor |

|                         |                     |                   |                         |
|-------------------------|---------------------|-------------------|-------------------------|
| <b>CASE INFORMATION</b> |                     |                   |                         |
| Enf./Case ID No.        | 35120               | No. of Violations | 5                       |
| Docket No.              | 2007-2021-PWS-E     | Order Type        | 1660                    |
| Media Program(s)        | Public Water Supply | Enf. Coordinator  | Andrea Linson-Mgbeoduru |
| Multi-Media             |                     | EC's Team         | Enforcement Team 2      |
| Admin. Penalty \$       | Limit Minimum       | \$50              | Maximum                 |
|                         |                     |                   | \$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** 9% Enhancement Subtotals 2, 3, & 7

Notes: Enhancement is due to one previous Notice of Violation containing violations that are same or similar to the violations in the current enforcement action as well as two Notices of Violations that have dissimilar violations.

**Culpability** No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5

|               |                          |                               |
|---------------|--------------------------|-------------------------------|
|               | Before NOV               | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="checkbox"/> | <input type="checkbox"/>      |
| Ordinary      | <input type="checkbox"/> | <input type="checkbox"/>      |
| N/A           | X                        | (mark with x)                 |

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

**Total EB Amounts**  0% Enhancement\* Subtotal 6   
\*Capped at the Total EB \$ Amount  
**Approx. Cost of Compliance**

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL** 20% Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**Screening Date** 17-Dec-2007

**Docket No.** 2007-2021-PWS-E

**PCW**

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

**Case ID No.** 35120

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN104162300

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Andrea Linson-Mgbeoduru

**Compliance History Worksheet**

>> **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   | 2                 | 4%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |

Please Enter Yes or No

|       |   |    |    |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more  | No | 0% |
|       | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       | No | 0% |
|       | Participation in a voluntary pollution reduction program  | No | 0% |
|       | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

**Adjustment Percentage (Subtotal 2)** 9%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement is due to one previous Notice of Violation containing violations that are same or similar to the violations in the current enforcement action as well as two Notices of Violations that have dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 9%

**Screening Date** 17-Dec-2007 **Docket No.** 2007-2021-PWS-E **PCW**  
**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3 *Policy Revision 2 (September 2002)*  
**Case ID No.** 35120 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN104162300  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Andrea Linson-Mgbeoduru  
**Violation Number**   
**Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

>> Environmental, Property and Human Health Matrix

| Release   | Harm                 |                      |                      | Percent                         |
|-----------|----------------------|----------------------|----------------------|---------------------------------|
|           | Major                | Moderate             | Minor                |                                 |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |                                 |

>> Programmatic Matrix

| Falsification        | Major                                     | Moderate             | Minor                | Percent                          |
|----------------------|---|----------------------|----------------------|----------------------------------|
| <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="10%"/> |

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

*mark only one with an x*

|              |   |
|--------------|---|
| daily        | <input type="text"/>                      |
| monthly      | <input type="text"/>                      |
| quarterly    | <input type="text"/>                      |
| semiannual   | <input type="text"/>                      |
| annual       | <input type="text"/>                      |
| single event | <input checked="" type="text" value="x"/> |

**Violation Base Penalty**

| Economic Benefit (EB) for this violation  | Statutory Limit Test   |
|---|--|
| Estimated EB Amount <input type="text" value="\$4"/>  | Violation Final Penalty Total <input type="text" value="\$109"/> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$109"/> |  |

## Economic Benefit Worksheet

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3  
**Case ID No.** 35120  
**Reg. Ent. Reference No.** RN104162300  
**Media** Public Water Supply  
**Violation No.** 1

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |             |             |     |     |     |     |
|--------------------------|-------|-------------|-------------|-----|-----|-----|-----|
| 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    | \$100 | 16-Nov-2007 | 30-Sep-2008 | 0.9 | \$4 | n/a | \$4 |
| 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

The delayed costs include the amount to develop a system monitoring plan. The date required is the investigation date. The final date is the estimated compliance date.

**Avoided Costs**

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

\$100

TOTAL

\$4

|  |  |   |                                   |  |                                   |
|--|--|---|-----------------------------------|--|-----------------------------------|
| <b>Screening Date</b> 17-Dec-2007                                  | <b>Docket No.</b> 2007-2021-PWS-E  | <b>PCW</b>  |                                   |  |                                   |
| <b>Respondent</b> Ghuman Enterprise Inc. dba Amatos Food Mart 3    | <i>Policy Revision 2 (September 2002)</i>  |   |                                   |  |                                   |
| <b>Case ID No.</b> 35120   | <i>PCW Revision November 6, 2007</i>   |   |                                   |  |                                   |
| <b>Reg. Ent. Reference No.</b> RN104162300                         |  |   |                                   |  |                                   |
| <b>Media [Statute]</b> Public Water Supply                         |  |   |                                   |  |                                   |
| <b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru                    |  |   |                                   |  |                                   |
| <b>Violation Number</b> <input type="text" value="2"/>             |  |   |                                   |  |                                   |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 290.41(c)(3)(A)  |   |                                   |  |                                   |
| <b>Violation Description</b>                                       | Failed to submit well completion data. Specifically, during the investigation conducted on November 16, 2007, it was noted by the investigator that the Respondent was not able to provide copies of executed sanitary control easements for all property located within 150 feet of the well head, the well driller's log, and cementing certification, and an original and/or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location. |   |                                   |  |                                   |
| <b>Base Penalty</b>  |  | <input type="text" value="\$1,000"/>                            |                                   |  |                                   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |  |   |                                   |  |                                   |
| OR   | <b>Harm</b>  |   |                                   |  |                                   |
|  | Release  | Major   | Moderate                          | Minor  |                                   |
|  | Actual   | <input type="text"/>  | <input type="text"/>              | <input type="text"/>                           |                                   |
| Potential  | <input type="text"/>   | <input type="text"/>  | <input type="text"/>              | <b>Percent</b> <input type="text" value="0%"/> |                                   |
| <b>&gt;&gt; Programmatic Matrix</b>                                |  |   |                                   |  |                                   |
|  |  |   | <b>Harm</b>                       |  |                                   |
|  |  |   | Major                             | Moderate                                       | Minor                             |
|  |  |   | <input type="text"/>              | x  | <input type="text"/>              |
|  |  |   | <b>Percent</b>                    | <input type="text" value="5%"/>                |                                   |
| <b>Matrix Notes</b>  | The Respondent failed to comply with 50% of the rule requirement.  |   |                                   |  |                                   |
|  |  |   | <b>Adjustment</b>                 | <input type="text" value="\$950"/>             |                                   |
|  |  |   | <input type="text" value="\$50"/> |  |                                   |
| <b>Violation Events</b>  |  |   |                                   |  |                                   |
| Number of Violation Events   |  | <input type="text" value="1"/>                                  | Number of violation days          |  | <input type="text" value="31"/>   |
| <i>mark only one with an x</i>                                     | daily  | <input type="text"/>  |                                   |  |                                   |
|  | monthly  | <input type="text"/>  |                                   |  |                                   |
|  | quarterly  | <input type="text"/>  |                                   |  |                                   |
|  | semiannual   | <input type="text"/>  |                                   |  |                                   |
|  | annual   | <input type="text"/>  |                                   |  |                                   |
| single event   | <input type="text" value="x"/>   |   |                                   |  |                                   |
|  |  | <b>Violation Base Penalty</b> <input type="text" value="\$50"/> |                                   |  |                                   |
| One single event is recommended.                                   |  |   |                                   |  |                                   |
| <b>Economic Benefit (EB) for this violation</b>                    |  |   | <b>Statutory Limit Test</b>       |  |                                   |
| Estimated EB Amount  |  | <input type="text" value="\$11"/>                               | Violation Final Penalty Total     |  | <input type="text" value="\$54"/> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |  |   |                                   |  | <input type="text" value="\$54"/> |

## Economic Benefit Worksheet

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3  
**Case ID No.** 35120  
**Reg. Ent. Reference No.** RN104162300  
**Media** Public Water Supply  
**Violation No.** 2

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |             |             |     |      |     |      |
|--------------------------|-------|-------------|-------------|-----|------|-----|------|
| 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    | \$250 | 16-Nov-2007 | 30-Sep-2008 | 0.9 | \$11 | n/a | \$11 |
| 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**  
 The delayed costs include the amount to obtain copies of executed sanitary control easements for all property located within 150 feet of the well head, the well driller's log, and cementing certification, and an original and/or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location to complete the well log. The date required is the investigation date. The final date is the estimated compliance date.

**Avoided Costs**

**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 | \$250 | <b>TOTAL</b> | \$11 |
|----------------------------|-------|--------------|------|

|  |   |   |  |
|--|---|---|--|
| <b>Screening Date</b> 17-Dec-2007  | <b>Docket No.</b> 2007-2021-PWS-E   | <b>PCW</b>  |  |
| <b>Respondent</b> Ghuman Enterprise Inc. dba Amatos Food Mart 3  | <i>Policy Revision 2 (September 2002)</i>   |   |  |
| <b>Case ID No.</b> 35120   | <i>PCW Revision November 6, 2007</i>  |   |  |
| <b>Reg. Ent. Reference No.</b> RN104162300   |   |   |  |
| <b>Media [Statute]</b> Public Water Supply   |   |   |  |
| <b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru  |   |   |  |
| <b>Violation Number</b> <input type="text" value="3"/>   |   |   |  |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 290.41(c)(3)(O)   |   |  |
| <b>Violation Description</b>   | Failed to provide an intruder-resistant fence to exclude possible contamination or damage to the facilities by trespassers. Specifically, during the investigation conducted on November 16, 2007, it was noted by the investigator that the fence had no barbed wire and the hinges were broken. |   |  |
| <b>Base Penalty</b>  |   | <input type="text" value="\$1,000"/>  |  |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>  |   |   |  |
| OR   | <b>Release</b>  | <b>Harm</b>   |  |
|  |   | Major    Moderate    Minor  |  |
|  | Actual  | <input type="text"/>  | <input type="text"/>   |
|  | Potential   | <input type="text"/>  | <input type="text"/>   |
|  |   | x   | <input type="text" value="10%"/>                                 |
| <b>&gt;&gt; Programmatic Matrix</b>  |   |   |  |
|  | <b>Falsification</b>  | Major    Moderate    Minor  |  |
|  | <input type="text"/>  | <input type="text"/>  | <input type="text"/>   |
|  |   |   | <input type="text" value="0%"/>                                  |
| <b>Matrix Notes</b>  | Without a proper fence, trespassers could cause a significant amount of contamination to the water supply which would not exceed levels protective of human health.   |   |  |
| <b>Adjustment</b>  |   | <input type="text" value="\$900"/>  |  |
|  |   |   | <input type="text" value="\$100"/>                               |
| <b>Violation Events</b>  |   |   |  |
| <b>Number of Violation Events</b> <input type="text" value="1"/>   |   | <b>Number of violation days</b> <input type="text" value="31"/>                                       |  |
| <i>mark only one with an x</i>   | daily   | <input type="text"/>  | <b>Violation Base Penalty</b> <input type="text" value="\$100"/> |
|  | monthly   | <input type="text"/>  |  |
|  | quarterly   | x   |  |
|  | semiannual  | <input type="text"/>  |  |
|  | annual  | <input type="text"/>  |  |
|  | single event  | <input type="text"/>  |  |
| One quarterly event is recommended, calculated from the investigation date, November 16, 2007, to the screening date, December 17, 2007. |   |   |  |
| <b>Economic Benefit (EB) for this violation</b>  |   | <b>Statutory Limit Test</b>   |  |
| <b>Estimated EB Amount</b> <input type="text" value="\$134"/>  |   | <b>Violation Final Penalty Total</b> <input type="text" value="\$109"/>                               |  |
|  |   | <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$109"/> |  |

## Economic Benefit Worksheet

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3  
**Case ID No.** 35120  
**Reg. Ent. Reference No.** RN104162300  
**Media** Public Water Supply  
**Violation No.** 3

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

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

No commas or \$

**Delayed Costs**

|                          |         |             |             |     |     |       |       |
|--------------------------|---------|-------------|-------------|-----|-----|-------|-------|
| Equipment                |         |             |             | 0.0 | \$0 | \$0   | \$0   |
| Buildings                |         |             |             | 0.0 | \$0 | \$0   | \$0   |
| Other (as needed)        | \$2,000 | 16-Nov-2007 | 31-Oct-2008 | 1.0 | \$6 | \$128 | \$134 |
| 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

The delayed cost includes the amount to install an intruder-resistant fence. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

\$2,000

TOTAL

\$134

|  |   |                             |                                      |                      |
|--|---|-----------------------------|--------------------------------------|----------------------|
| <b>Screening Date</b> 17-Dec-2007                                  | <b>Docket No.</b> 2007-2021-PWS-E   | <b>PCW</b>                  |                                      |                      |
| <b>Respondent</b> Ghuman Enterprise Inc. dba Amatos Food Mart 3    | <small>Policy Revision 2 (September 2002)</small>   |                             |                                      |                      |
| <b>Case ID No.</b> 35120   | <small>PCW Revision November 6, 2007</small>  |                             |                                      |                      |
| <b>Reg. Ent. Reference No.</b> RN104162300                         |   |                             |                                      |                      |
| <b>Media [Statute]</b> Public Water Supply                         |   |                             |                                      |                      |
| <b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru                    |   |                             |                                      |                      |
| <b>Violation Number</b>  | 4   |                             |                                      |                      |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code §§ 290.39(h)(1) and 290.46(n)(1)  |                             |                                      |                      |
| <b>Violation Description</b>                                       | Failed to prepare and submit detailed "as-built" plans and specifications for Commission review and approval. |                             |                                      |                      |
| <b>Base Penalty</b>  |   | \$1,000                     |                                      |                      |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |   |                             |                                      |                      |
| OR   | <b>Harm</b>   |                             |                                      |                      |
|  | Release   | Major                       | Moderate                             | Minor                |
|  | Actual  | <input type="text"/>        | <input type="text"/>                 | <input type="text"/> |
|  | Potential   | <input type="text"/>        | <input type="text"/>                 | <input type="text"/> |
|  |   | <b>Percent</b>              | 0%                                   |                      |
| <b>&gt;&gt; Programmatic Matrix</b>                                |   |                             |                                      |                      |
|  | Falsification   | Major                       | Moderate                             | Minor                |
|  | <input type="text"/>  | x                           | <input type="text"/>                 | <input type="text"/> |
|  |   | <b>Percent</b>              | 10%                                  |                      |
| <b>Matrix Notes</b>  | The Respondent failed to comply with 100% of the rule requirement.  |                             |                                      |                      |
|  |   | <b>Adjustment</b>           | \$900                                |                      |
|  |   |                             | \$100                                |                      |
| <b>Violation Events</b>  |   |                             |                                      |                      |
| <b>Number of Violation Events</b>                                  |   | 1                           | <b>Number of violation days</b>      |                      |
|  |   | 31                          |                                      |                      |
| <small>mark only one with an x</small>                             | daily   | <input type="text"/>        | <b>Violation Base Penalty</b>        |                      |
|  | monthly   | <input type="text"/>        |                                      |                      |
|  | quarterly   | <input type="text"/>        |                                      |                      |
|  | semiannual  | <input type="text"/>        |                                      |                      |
|  | annual  | <input type="text"/>        |                                      |                      |
|  | single event  | x                           |                                      |                      |
| One single event is recommended.                                   |   |                             | \$100                                |                      |
| <b>Economic Benefit (EB) for this violation</b>                    |   | <b>Statutory Limit Test</b> |                                      |                      |
| <b>Estimated EB Amount</b>   |   | \$48                        | <b>Violation Final Penalty Total</b> |                      |
|  |   |                             | \$109                                |                      |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |   |                             | \$109                                |                      |

## Economic Benefit Worksheet

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3  
**Case ID No.** 35120  
**Reg. Ent. Reference No.** RN104162300  
**Media** Public Water Supply  
**Violation No.** 4

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

| Item Description         | Item Cost<br><small>No commas or \$</small> | 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    | \$1,000                                     | 16-Nov-2007   | 31-Oct-2008 | 1.0 | \$48           | n/a           | \$48      |
| 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

The delayed cost includes the amount to prepare and submit accurate up-to-date detailed as-built plans and specifications. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

\$1,000

TOTAL

\$48

|  |  |  |                                    |                                    |
|--|--|--|------------------------------------|------------------------------------|
| <b>Screening Date</b> 17-Dec-2007  | <b>Docket No.</b> 2007-2021-PWS-E  | <b>PCW</b>   |                                    |                                    |
| <b>Respondent</b> Ghuman Enterprise Inc. dba Amatos Food Mart 3  | <i>Policy Revision 2 (September 2002)</i>  |  |                                    |                                    |
| <b>Case ID No.</b> 35120   | <i>PCW Revision November 6, 2007</i>   |  |                                    |                                    |
| <b>Reg. Ent. Reference No.</b> RN104162300   |  |  |                                    |                                    |
| <b>Media [Statute]</b> Public Water Supply   |  |  |                                    |                                    |
| <b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru  |  |  |                                    |                                    |
| <b>Violation Number</b> <input type="text" value="5"/>   |  |  |                                    |                                    |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 290.46(m)(4)   |  |                                    |                                    |
| <b>Violation Description</b>   | Failed to maintain the water system and all related appurtenances in a watertight condition. Specifically, during the investigation conducted on November 16, 2007, it was noted by the investigator that a valve on the well was leaking. |  |                                    |                                    |
| <b>Base Penalty</b>  |  | <input type="text" value="\$1,000"/>                             |                                    |                                    |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>  |  |  |                                    |                                    |
| OR   | <b>Harm</b>  |  |                                    |                                    |
|  | Release  | Major  | Moderate                           | Minor                              |
|  | Actual   | <input type="text"/>   | <input type="text"/>               | <input type="text"/>               |
|  | Potential  | <input type="text"/>   | x                                  | <input type="text"/>               |
|  |  | <b>Percent</b>   | <input type="text" value="10%"/>   |                                    |
| <b>&gt;&gt; Programmatic Matrix</b>  |  |  |                                    |                                    |
|  | Falsification  | Major  | Moderate                           | Minor                              |
|  | <input type="text"/>   | <input type="text"/>   | <input type="text"/>               | <input type="text"/>               |
|  |  | <b>Percent</b>   | <input type="text" value="0%"/>    |                                    |
| <b>Matrix Notes</b>  | Failure to maintain all related appurtenances in a watertight condition could expose customers of the water supply to a significant amount of contaminants which would not exceed levels protective of human health.                       |  |                                    |                                    |
|  |  | <b>Adjustment</b>  | <input type="text" value="\$900"/> |                                    |
|  |  | <input type="text" value="\$100"/>                               |                                    |                                    |
| <b>Violation Events</b>  |  |  |                                    |                                    |
| Number of Violation Events <input type="text" value="1"/>  |  | Number of violation days <input type="text" value="31"/>         |                                    |                                    |
| <i>mark only one with an x</i>   | daily  | <input type="text"/>   |                                    |                                    |
|  | monthly  | <input type="text"/>   |                                    |                                    |
|  | quarterly  | x  |                                    |                                    |
|  | semiannual   | <input type="text"/>   |                                    |                                    |
|  | annual   | <input type="text"/>   |                                    |                                    |
| single event   | <input type="text"/>   |  |                                    |                                    |
|  |  | <b>Violation Base Penalty</b>                                    | <input type="text" value="\$100"/> |                                    |
| One quarterly event is recommended, calculated from the investigation date, November 16, 2007, to the screening date, December 17, 2007. |  |  |                                    |                                    |
| <b>Economic Benefit (EB) for this violation</b>  |  |  | <b>Statutory Limit Test</b>        |                                    |
| Estimated EB Amount <input type="text" value="\$27"/>  |  | Violation Final Penalty Total <input type="text" value="\$109"/> |                                    |                                    |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b>   |  |  |                                    | <input type="text" value="\$109"/> |

## Economic Benefit Worksheet

**Respondent** Ghuman Enterprise Inc. dba Amatos Food Mart 3  
**Case ID No.** 35120  
**Reg. Ent. Reference No.** RN104162300  
**Media** Public Water Supply  
**Violation No.** 5

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |             |             |     |     |      |      |
|--------------------------|-------|-------------|-------------|-----|-----|------|------|
| Equipment                |       |             |             | 0.0 | \$0 | \$0  | \$0  |
| Buildings                |       |             |             | 0.0 | \$0 | \$0  | \$0  |
| Other (as needed)        | \$400 | 16-Nov-2007 | 31-Oct-2008 | 1.0 | \$1 | \$26 | \$27 |
| 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

The delayed costs include the amount to repair or replace the leaking schraedèr valve. The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

\$400

**TOTAL**

\$27

# Compliance History

|   |   |                                    |                   |
|---|---|------------------------------------|-------------------|
| Customer/Respondent/Owner-Operator:           | CN602570277 Ghuman Enterprise Inc.                      | Classification: AVERAGE            | Rating: 3.01      |
| Regulated Entity:                             | RN104162300 AMATOS FOOD MART 3                          | Classification: AVERAGE BY DEFAULT | Site Rating: 3.01 |
| ID Number(s):                                 | PETROLEUM STORAGE TANK REGISTRATION                     | REGISTRATION                       | 76312             |
|   | PUBLIC WATER SYSTEM/SUPPLY                              | REGISTRATION                       | 1700737           |
| Location:                                     | 10675 HIGHWAY 242, CONROE, MONTGOMERY COUNTY, TX, 77385 |                                    |                   |
| TCEQ Region:                                  | REGION 12 - HOUSTON                                     |                                    |                   |
| Date Compliance History Prepared:             | December 14, 2007                                       |                                    |                   |
| Agency Decision Requiring Compliance History: | Enforcement   |                                    |                   |
| Compliance Period:                            | December 10, 2002 to December 10, 2007                  |                                    |                   |

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## 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 | 07/19/2004 | (282312) |
| 2 | 09/10/2007 | (570971) |
| 3 | 10/08/2007 | (596595) |
| 4 | 12/06/2007 | (609182) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |                 |          |
|--------------|--|-----------------|----------|
| Date:        | 07/20/2004   | (282312)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)  |                 |          |
| Description: | Failure to develop a system monitoring plan that shows specified location(s) where bacteriological samples will be collected.                                  |                 |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)   |                 |          |
| Description: | Failure to submit well completion data or an exception to the requirement at the time of the investigation.  |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)   |                 |          |
| Description: | Failure to provide the well with a screened casing vent, which must face downward and be elevated so as to minimize the drawing of contaminants into the well. |                 |          |
| Self Report? | NO   | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)   |                 |          |
| Description: | Failure to provide an intruder-resistant fence or vented, locked well house at the time of the investigation.  |                 |          |
| Self Report? | NO   | Classification: | Major    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.39(h)(1)<br>30 TAC Chapter 290, SubChapter D 290.46(n)(1)   |                 |          |



Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review and approval.

Date: 09/10/2007 (570971)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to have a triennial Stage II test conducted.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)

Description: Failure to post operating instructions on each dispenser.

Date: 10/08/2007 (596595)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to have a triennial Stage II test conducted.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)

Description: Failure to post operating instructions on each dispenser.

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  
GHUMAN ENTERPRISE INC. DBA  
AMATOS FOOD MART 3  
RN104162300**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-2021-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 Ghuman Enterprise Inc. dba Amatos Food Mart 3 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with a public water system at 10675 Highway 242 in Conroe, Montgomery County, Texas (the "Facility") that has approximately one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 10, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Four Hundred Ninety Dollars (\$490) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Ninety-Two Dollars (\$392) of the administrative penalty and Ninety-Eight Dollars (\$98) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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 the Respondent 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 the Respondent 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, the Respondent is alleged to have:

1. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during the investigation conducted on November 16, 2007.
2. Failed to submit well completion data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during the investigation conducted on November 16, 2007.
3. Failed to provide an intruder-resistant fence to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during the investigation conducted on November 16, 2007.
4. Failed to prepare and submit detailed "as-built" plans and specifications for Commission review and approval, in violation of 30 TEX. ADMIN. CODE §§ 290.39(h)(1) and 290.46(n)(1), as documented during the investigation conducted on November 16, 2007.
5. Failed to maintain the water system and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during the investigation conducted on November 16, 2007.



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: Ghuman Enterprise Inc. dba Amatos Food Mart 3, Docket No. 2007-2021-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 the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Develop a system monitoring plan that shows specified location(s) where bacteriological samples are collected, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
    - ii. Submit well completion data, including copies of executed sanitary control easements for all property located within 150 feet of the well head, the well driller's log, and cementing certification, and an original and/or legible copy of a U.S. Geological Survey 7.5 minute topographical quadrangle map showing the accurate well location, in accordance with 30 TEX. ADMIN. CODE § 290.41.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Agreed Order:
    - i. Provide an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and repair the broken hinges around the fence, in accordance with 30 TEX. ADMIN. CODE § 290.41;



- ii. Submit "as-built" plans and specifications that are prepared by a registered professional engineer well versed in public water systems, in accordance with 30 TEX. ADMIN. CODE §§ 290.39 and 290.46; and
  - iii. Maintain the water system and all related appurtenances in a watertight condition, including but not limited to repairing a schraeder valve on the well, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. 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:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

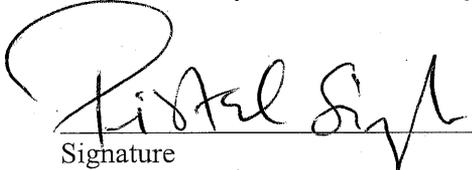
5/5/2008  
Date

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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

  
\_\_\_\_\_  
Signature

3-1-08  
Date

PIRTAL SINGH  
Name (Printed or typed)  
Authorized Representative of  
Ghuman Enterprise Inc. dba Amatos Food Mart 3

President  
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.

