

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0516-PWS-E **TCEQ ID:** RN104443734 **CASE NO.:** 37429

RESPONDENT NAME: Danny J. Dolen dba Green Lake Estates Water Supply

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Greek Lake Estates Water Supply, 1785 Limestone County Road 822, Limestone County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Danny Dolen, Owner, Green Lake Estates Water Supply, 140 Southeast County Road 3046, Corsicana, Texas 75109 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 6, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to compile and maintain records of water works operation and maintenance activities for Commission review [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(D)(ii)].</p> <p>2) Failure to provide a thorough plant operations manual that is kept up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>3) Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>4) Failure to a post legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>5) Failure to enclose all water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>6) Failure to provide the well with a flow measuring device to measure production</p>	<p>Total Assessed: \$1,660</p> <p>Total Deferred: \$332 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,328</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On April 8, 2009, submitted documentation showing that an ownership sign was posted at the Facility's water plant;</p> <p>b. On April 8, 2009, submitted documentation showing a flow measuring device at Well No. 1; and</p> <p>c. On April 8, 2009, submitted documentation showing that the electrical wiring for the well pump was in compliance with a national or local code.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to, a copy of the sanitary control easement, copies of the annual tank inspections for the pressure tank, and a copy of the TCBQ plan review approval letter for the 950 gallon pressure tank.</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. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, including but not limited to, updating the manual to include contact numbers for local, state, and federal agencies;</p>

<p>yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(e)(3)(N)].</p> <p>7) Failure to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p>		<p>ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and</p> <p>iii. Enclose the 950 gallon pressure tank with an intruder resistant fence with lockable gates or a lockable building.</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>
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Additional ID No(s): 1470034



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	9-Mar-2009	Screening	23-Mar-2009	EPA Due	
	PCW	1-Apr-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Danny J. Dolen dba Green Lake Estates Water Supply
Reg. Ent. Ref. No.	RN104443734
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37429	No. of Violations	7
Docket No.	2009-0516-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Henry
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$1,270"/>
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="\$381"/>
Notes	Enhancement is due to two prior Notice of Violations ("NOVs") with the same violations as the current enforcement action and one prior Agreed Final Enforcement Order containing a denial of liability.
Culpability	Subtotal 4 <input type="text" value="\$0"/>
Notes	The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply Total Adjustments	Subtotal 5 <input type="text" value="\$65"/>
Economic Benefit	Subtotal 6 <input type="text" value="\$0"/>
Total EB Amounts <input type="text" value="\$290"/>	0.0% Enhancement*
Approx. Cost of Compliance <input type="text" value="\$3,100"/>	*Capped at the Total EB \$ Amount
SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$1,586"/>
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="\$0"/>
Notes	
	Final Penalty Amount <input type="text" value="\$1,586"/>
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$1,660"/>
DEFERRAL	Adjustment <input type="text" value="-332"/>
Notes	Deferral offered for expedited settlement.
PAYABLE PENALTY	<input type="text" value="\$1,328"/>

Screening Date 23-Mar-2009

Docket No. 2009-0516-PWS-E

PCW

Respondent Danny J. Dolen dba Green Lake Estates Water Supply

Policy Revision 2 (September 2002)

Case ID No. 37429

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104443734

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

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 (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	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 (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 submitted)	0	0%
	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%
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) 30%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to two prior Notice of Violations ("NOVs") with the same violations as the current enforcement action and one prior Agreed Final Enforcement Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW		
Respondent Danny J. Dolan dba Green Lake Estates Water Supply	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37429	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN104443734				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2), and 290.46(f)(3)(D)(ii)"/>			
Violation Description	<input type="text" value="Failed to compile and maintain records of water works operation and maintenance activities for Commission review. Specifically, at the time of the record review, it was documented that copies of the annual tank inspection form for the pressure tank, copy of the TCEQ plan review approval letter for the 950 gallon pressure tank, and a copy of the sanitary control easement were not available for review."/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent		<input type="text" value="0%"/>		
>> Programmatic Matrix				
Falsification			Harm	
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text" value="x"/>
Percent		<input type="text" value="1%"/>		
Matrix Notes	<input type="text" value="At least 70% of the rule requirement was met."/>			
Adjustment		<input type="text" value="\$990"/>		
Violation Subtotal		<input type="text" value="\$10"/>		
Violation Events				
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="45"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<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"/>	<input type="text" value="\$10"/>		
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply				
0.0% Reduction		<input type="text" value="\$0"/>		
<small>Before NOV</small>		<small>NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	Violation Subtotal <input type="text" value="\$10"/>		
Ordinary	<input type="text"/>			
N/A	<input type="text" value="x"/> <small>(mark with x)</small>			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Economic Benefit (EB) for this violation				
Estimated EB Amount		<input type="text" value="\$7"/>		
Statutory Limit Test				
Violation Final Penalty Total		<input type="text" value="\$13"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$50"/>		

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	12-Jun-2008	1-Dec-2009	1.47	\$7	n/a	\$7
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed costs include the amount to begin maintaining a record keeping system. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

\$100		\$7
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Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW		
Respondent Danny J. Dolen dba Green Lake Estates Water Supply	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37429	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN104443734				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to provide a thorough plant operations manual that is kept up-to-date for operator review and reference. Specifically, at the time of the record review, it was documented that the plant operations manual did not have contact numbers for local, state, and federal agencies.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met.			
Adjustment				<input type="text" value="\$990"/>
				<input type="text" value="\$10"/>
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="45"/>
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
One single event is recommended.				Violation Base Penalty <input type="text" value="\$10"/>
Good Faith Efforts to Comply			0.0% Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$10"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$8"/>	Violation Final Penalty Total	<input type="text" value="\$13"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$50"/>

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	12-Jun-2008	1-Jan-2010	1.56	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount required to maintain an up-to-date manual, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$100 TOTAL \$8

Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW	
Respondent Danny J. Dolen dba Green Lake Estates Water Supply	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37429	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN104443734			
Media [Statute] Public Water Supply			
Enf. Coordinator Amanda Henry			
Violation Number 3			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(l)		
Violation Description	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
OR			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$900	
		\$100	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="45"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
		Violation Base Penalty <input type="text" value="\$100"/>	
One single event is recommended.			
Good Faith Efforts to Comply		Reduction <input type="text" value="0.0%"/>	
		<small>Before NOV</small> <small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal <input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$11"/>		Violation Final Penalty Total <input type="text" value="\$130"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$130"/>	

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	12-Jun-2008	1-Jan-2010	1.56	\$1	\$10	\$11
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the amount to adopt an adequate plumbing ordinance or service agreement, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100 TOTAL \$11

Screening Date 23-Mar-2009		Docket No. 2009-0516-PWS-E		PCW
Respondent Danny J. Dolen dba Green Lake Estates Water Supply		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37429		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN104443734				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number		<input type="text" value="4"/>		
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(f)"/>		
Violation Description		<input type="text" value="Failed to post a legible sign at each production, treatment and storage facility that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted. Specifically, at the time of the record review, it was documented that the Facility did not have an ownership sign posted at the water plant."/>		
Base Penalty				<input type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
		Major	Moderate	Minor
	Release	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>			
Adjustment				<input type="text" value="\$900"/>
				<input type="text" value="\$100"/>
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="61"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction		<input type="text" value="\$10"/>
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent achieved compliance on April 8, 2009."/>			
Violation Subtotal				<input type="text" value="\$90"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$6"/>	Violation Final Penalty Total <input type="text" value="\$120"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$120"/>

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	12-Jun-2008	8-Apr-2009	0.82	\$0	\$5	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount to post a sign at the Facility's water plant, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100 **TOTAL** \$6

Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW	
Respondent Danny J. Dolen dba Green Lake Estates Water Supply	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37429	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN104443734			
Media [Statute] Public Water Supply			
Enf. Coordinator Amanda Henry			
Violation Number <input type="text" value="5"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)		
Violation Description	Failed to enclose all water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates. Specifically, at the time of the record review, it was documented that the 950 gallon pressure tank was not enclosed by an intruder-resistant fence.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	x	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/>			Percent <input type="text" value="0%"/>
Matrix Notes	Falling to enclose the pressure tank with an intruder-resistant fence may allow persons to enter and vandalize the pressure tank which may compromise the system's ability to provide a safe and adequate water supply exposing customers to a significant amount of pollutants which would exceed levels that are protective of human health.		
Adjustment			<input type="text" value="\$750"/>
			<input type="text" value="\$250"/>
Violation Events			
Number of Violation Events <input type="text" value="2"/>		<input type="text" value="45"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	weekly	<input type="text"/>	
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Two montly events are recommended from the date of the record review, February 6, 2009, to the date of screening, March 23, 2009.			
Good Faith Efforts to Comply			
0.0% Reduction		<input type="text" value="\$0"/>	
<small>Before NOV NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$500"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount <input type="text" value="\$218"/>		Violation Final Penalty Total <input type="text" value="\$650"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$650"/>

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	12-Jun-2008	1-Jan-2010	1.56	\$10	\$207	\$218
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to render the fence around the pressure tank intruder-resistant, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$218

Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW	
Respondent Danny J. Dolen dba Green Lake Estates Water Supply	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
Case ID No. 37429			
Reg. Ent. Reference No. RN104443734			
Media [Statute] Public Water Supply			
Enf. Coordinator Amanda Henry			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(N)		
Violation Description	Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the record review, it was documented that Well No. 1 did not have a flow measuring device.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	X
Percent		<input type="text" value="5%"/>	
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Percent		<input type="text" value="0%"/>	
Matrix Notes	Failure to have an operational flow measuring device for the well prevents the operator from obtaining accurate well production data and may result in the Facility not being able to provide a sufficient water supply.		
Adjustment		<input type="text" value="\$950"/>	
		<input type="text" value="\$50"/>	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="61"/>	
mark only one with an x	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	X	
Violation Base Penalty		<input type="text" value="\$50"/>	
One single event is recommended.			
Good Faith Efforts to Comply		<input type="text" value="\$5"/>	
		10.0% Reduction	
		Before NOV NOV to EDFRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	X	
N/A	(mark with x)		
Notes	The Respondent achieved compliance on April 8, 2009.		
Violation Subtotal		<input type="text" value="\$45"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$29"/>		Violation Final Penalty Total <input type="text" value="\$60"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$60"/>	

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$500	12-Jun-2008	8-Apr-2009	0.82	\$1	\$27	\$29
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount to provide a flow meter for Well No. 1, calculated from the date of the investigation intially documenting the violation to the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

\$500		\$29
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Screening Date 23-Mar-2009	Docket No. 2009-0516-PWS-E	PCW
Respondent Danny J. Dolen dba Green Lake Estates Water Supply	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37429	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN104443734		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		
Violation Number 7		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(v)	
Violation Description	Failed to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the record review, it was documented that the electrical wiring for the well pump was exposed and not installed in compliance with a local or national electrical code.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

Harm			
	Major	Moderate	Minor
Release			
Actual			
Potential	x		
			Percent 25%

OR

Programmatic Matrix			
	Major	Moderate	Minor
Falsification			
Actual			
Potential			
			Percent 0%

Matrix Notes
Improperly installed electrical wires may cause equipment to malfunction resulting in low pressure or outages which could result in exposure to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

Violation Events

	2	61	Number of violation days
<small>mark only one with an x</small>	daily		Violation Base Penalty \$500
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Two monthly events are recommended from the date of the record review, February 6, 2009, to the date of screening, March 23, 2009.

Good Faith Efforts to Comply

	10.0%		Reduction
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary			Violation Subtotal \$450
Ordinary		x	
N/A	<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on April 8, 2009.		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$12	Violation Final Penalty Total \$600
This violation Final Assessed Penalty (adjusted for limits) \$600	

Economic Benefit Worksheet

Respondent Danny J. Dolen dba Green Lake Estates Water Supply
Case ID No. 37429
Reg. Ent. Reference No. RN104443734
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	12-Jun-2008	8-Apr-2009	0.82	\$1	\$11	\$12
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to securely install electrical wiring in compliance with a local or national code, calculated from the date of the investigation initially documenting the violation to date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602568016 DOLEN, DANNY J	Classification:	Rating:
Regulated Entity:	RN104443734 GREEN LAKE ESTATES WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1470034
Location:	1785 Limestone County Road 822, Limestone County, Texas		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	April 06, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 11, 2004 to March 11, 2009		

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

Name: Amanda Henry Phone: 713-767-3672

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Danny Dolen
4. If Yes, who was/were the prior owner(s)/operator(s) ? Robert Heiner
5. When did the change(s) in owner or operator occur? April 7, 2008

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 03/23/2008 ADMINORDER 2005-1077-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
- Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.39(m)
- Description: Failure to submit detailed engineering reports and notification to the Commission prior to activating a public water system.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
- Description: Failure to provide a well casing eighteen inches above the ground surface.
- 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 | 04/20/2005 | (372326) |
| 2 | 05/27/2005 | (392814) |
| 3 | 07/24/2008 | (686027) |
| 4 | 10/14/2008 | (703987) |
| 5 | 12/03/2008 | (709557) |
| 6 | 03/06/2009 | (726601) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/17/2004 (339955)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)		
Description:	Failure to employ a water operator who holds a Class D or higher water operator license.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)(1) 30 TAC Chapter 290, SubChapter D 290.39(m)		
Description:	Failure to submit detailed engineering reports and notification to the Commission prior to activating a public water system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(m)		
Description:	Failure to provide written notification to the commission of the startup of a new public water supply system or reactivation of an existing public water supply system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)		
Description:	Failure to provide adequate pressure maintenance capacity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)		
Description:	Failure to provide a well casing eighteen inches above the ground surface.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		
Description:	Failure to provide a concrete sealing block that extends at least 3 feet from the exterior well casing in all directions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to install all water system electrical wiring in a securely mounted conduit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)		
Description:	Failure to screen the well air release devices.		
Date:	08/01/2008 (686027)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to provide a complete plant operations manual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)		
Description:	Failure to provide a service agreement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	Failure to post an ownership sign at the water plant.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.38(34) 30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder resistant fence around the pressure tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to provide a flow measuring device for the well.		
Self Report?	NO	Classification:	Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to mount electrical wiring in a conduit as required.

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
DANNY J. DOLEN DBA GREEN
LAKE ESTATES WATER SUPPLY
RN104443734**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0516-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 Danny J. Dolen dba Green Lake Estates Water Supply ("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 public water supply at 1785 Limestone County Road 822, Limestone County, Texas (the "Facility") that has approximately 21 service connections 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 March 11, 2009.
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 One Thousand Six Hundred Sixty Dollars (\$1,660) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred Twenty-Eight Dollars (\$1,328) of the administrative penalty and Three Hundred Thirty-Two Dollars (\$332) 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 recognizes the Respondent has implemented the following corrective measures at the Facility:
 - a. On April 8, 2009, submitted documentation showing that an ownership sign was posted at the Facility's water plant;
 - b. On April 8, 2009, submitted documentation showing a flow measuring device at Well No. 1; and
 - c. On April 8, 2009, submitted documentation showing that the electrical wiring for the well pump was in compliance with a national or local code.
9. 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.
10. 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.
11. 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 compile and maintain records of water works operation and maintenance activities for Commission review, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(D)(ii), as documented during a record review conducted on February 6, 2009.
2. Failed to provide a thorough plant operations manual that is kept up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during a record review conducted on February 6, 2009.
3. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during a record review conducted on February 6, 2009.

4. Failed to post legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during a record review conducted on February 6, 2009.
5. Failed to enclose all water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during a record review conducted on February 6, 2009.
6. Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during a record review conducted on February 6, 2009.
7. Failed to ensure that all water system electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during a record review conducted on February 6, 2009.

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: Danny Dolen dba Green Lake Estates Water Supply, Docket No. 2009-0516-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, compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to, a copy of the sanitary control easement, copies of the annual tank inspections for the pressure tank and a copy of the TCEQ plan review approval letter for the 950 gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.d, and include detailed supporting documentation

including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.

- c. 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, including but not limited to, updating the manual to include contact numbers for local, state, and federal agencies, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. 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, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Enclose the 950 gallon pressure tank with an intruder resistant fence with lockable gates or a lockable building, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations." The certification shall be submitted to:

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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

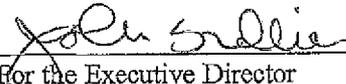
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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

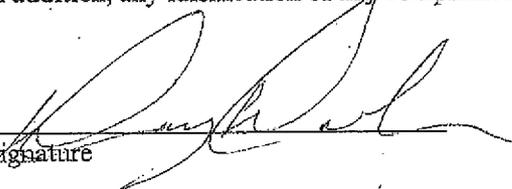
Date 9/18/09

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

Date 6/22/09

Danny Dolen

Name (Printed or typed)
Authorized Representative of
Danny J. Dolen dba Green Lake Estates Water Supply

Owner

Title

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Zolner
For the Executive Director

9/18/09
Date

We, the undersigned, have read and understand the attached Agreed Order in the matter of DuPont Performance Elastomers L.L.C. and Lucite International, Inc. We are authorized to agree to the attached Agreed Order on behalf of DuPont Performance Elastomers L.L.C. and Lucite International, Inc., and do agree to the specified terms and conditions. We further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

We understand that by entering into this Agreed Order, DuPont Performance Elastomers L.L.C. and Lucite International, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. We agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

We 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.

Marney Gillmore
Signature
Marney Gillmore
Name (Printed or typed)
Authorized Representative of
Lucite International, Inc.

August 19, 2009
Date
Site Manager
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.

