

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0608-MLM-E **TCEQ ID:** RN101192847 **CASE NO.:** 35711
RESPONDENT NAME: Estate of Patetreen Petty dba Big Wood Springs Water System

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 checked="" type="checkbox"/> WATER RIGHTS
<p>SITE WHERE VIOLATION(S) OCCURRED: Big Wood Springs Water System, located 13 miles east of Quitman on Farm-To-Market Road 2088, Wood 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: A complaint was received on January 25, 2008, alleging the system was out of water since January 23, 2008. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 17, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Kim Leard, Accountant for the Estate of Patetreen Petty dba Big Wood Springs Water System, 1604 Private Road 8692, Winnsboro, Texas 75494 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: January 25, 2008</p> <p>Date of Investigation/Record Review Relating to this Case: February 29, 2008 and May 2, 2008</p> <p>Date of NOEs Relating to this Case: April 8, 2008 and May 6, 2008 (NOEs)</p> <p>Background Facts: This was a complaint investigation and record review.</p> <p>WATER</p> <p>1) Failure to submit a drought contingency plan [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)].</p> <p>2) Failure to calibrate well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>3) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>4) Failure to have a complete and up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>5) Failure to secure sanitary control easements covering land within 150 feet of Well Nos. 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>6) Failure to conduct monthly bacteriological sampling [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(iii) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>7) Failure to provide the water system's complete operating records for Commission review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(iii), 290.46(f)(3)(D)(i) and</p>	<p>Total Assessed: \$8,672</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$272 (remaining \$8,400 due in 35 monthly payments of \$240 each)</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>Findings Orders Justification: The Respondent has had three repeated enforcement actions over the prior five year period for the same violation.</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:</p> <p>i. Submit a complete drought contingency plan;</p> <p>ii. Begin performing routine monthly bacteriological sampling of the water supply;</p> <p>iii. Ensure all well meters are properly calibrated;</p> <p>iv. Begin using chlorinated bleach that conforms to ANSI/NSF Standard 60 for direct additives;</p> <p>v. Begin operating the Facility under the direct supervision of a Class "D" or higher certified water works operator; and</p> <p>vi. Develop and implement a standard operating procedure ensuring that special precautions are taken, and if necessary, boil water notices are issued in the event of low distribution system pressure, and water outages, and that bacteriological samples are taken to maintain the potability of the system's drinking water supply.</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 No. 2.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</p>

<p>290.46(f)(3)(D)(ii)].</p> <p>8) Failure to provide an intruder-resistant fence or lockable building to protect Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>9) Failure to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>10) Failure to locate water lines a minimum of 24 inches below ground surface [30 TEX. ADMIN. CODE § 290.44(a)(4)].</p> <p>11) Failure to issue a boil water notification using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) and keep the notice in effect until water distribution pressures in excess of 20 pounds per square inch ("psi") can consistently be maintained, a minimum of 0.2 milligrams per liter ("mg/L") chloramine is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms [30 TEX. ADMIN. CODE § 290.46(q)(1) and 290.46(q)(2)].</p> <p>12) Failure to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>13) Failure to collect and submit repeat water samples [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].</p> <p>14) Failure to collect and submit water samples for bacteriological monitoring and failed to provide public notification of the failure to collect water samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii), 290.109(c)(2)(F) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>		<p>manual for operator review and reference;</p> <p>ii. Begin maintaining an up-to-date chemical and microbiological monitoring plan for the facility that identifies all locations where routine sampling for microbial contaminants is conducted;</p> <p>iii. Obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2;</p> <p>iv. Begin maintaining water system records, including but not limited to weekly disinfectant residual monitoring results, tank inspections, flushing logs, and microbiological analysis and make these records available to Commission personnel at the time of investigation;</p> <p>v. Provide Well No. 2 with an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and a lockable gate or enclose the well in a locked ventilated well house to exclude possible contamination or damage to the well by trespassers; and</p> <p>vi. Locate all water lines a minimum of 24 inches below the ground surface, including but not limited to the water line located at the intersection of Private Road 8763 and the dirt road leading to the high level storage tank in the Big Wood Springs Subdivision.</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 No. c.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	7-Apr-2008	Screening	9-Apr-2008	EPA Due	31-Aug-2008
	PCW	9-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Estate of Patetreen Petty dba Big Wood Springs Water System
Reg. Ent. Ref. No.	RN101192847
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35711	No. of Violations	13
Docket No.	2008-0608-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media	Water Rights	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	\$5,050
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40% Enhancement	Subtotals 2, 3, & 7	\$2,020
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Notes
Enhancement due to eight prior Notice of Violation ("NOV") containing same or similar violations as those in the current enforcement action.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Total EB Amounts	\$1,396	0% Enhancement	Subtotal 6	\$0
Approx. Cost of Compliance	\$6,230	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,070
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OTHER FACTORS AS JUSTICE MAY REQUIRE	14%	Adjustment	\$1,007
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Enhancement recommended for the recovery of avoided costs.

Final Penalty Amount	\$8,077
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,077
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$8,077
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Screening Date 9-Apr-2008 **Docket No.** 2008-0608-MLM-E
Respondent Estate of Patetreen Petty dba Big Wood Springs Water S
Case ID No. 35711
Reg. Ent. Reference No. RN101192847
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

PCW
 Policy Revision 2 (September 2002)
 PCW Revision January 29, 2008

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)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements 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%
<i>Please Enter Yes or No</i>			
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) 40%

>> **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 due to eight prior Notice of Violation ("NOV") containing same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW		
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35711		<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No. RN101192847				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)			
Violation Description	Failed to calibrate well meters at least once every three years.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="5%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Failure to calibrate well meters could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.			
			Adjustment	\$950
			\$50	
Violation Events				
Number of Violation Events		<input type="text" value="2"/>	Number of violation days	
		<input type="text" value="40"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
			Violation Base Penalty	\$100
Two single events are recommended, one single event for each well meter.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$239"/>	Violation Final Penalty Total	
				\$160
			This violation Final Assessed Penalty (adjusted for limits)	
			\$160	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System
Case ID No.: 35711
Reg. Ent. Reference No.: RN101192847
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description: 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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
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]	\$200	28-Feb-2005	29-Feb-2008	3.9	\$39	\$200	\$239
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
The avoided cost includes the amount necessary to have the well meters calibrated, calculated for the three years prior to the investigation.							

Approx. Cost of Compliance \$200 **TOTAL** \$239

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PGW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35711		<i>PCW Revision January 29, 2008</i>
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	<input type="text" value="2"/>	
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(l)"/>	
Violation Description	<input type="text" value="Failed to compile and maintain a thorough plant operations manual for operator review and reference."/>	
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 checked="" type="checkbox"/>	<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

Violation Events

Number of Violation Events Number of violation days

<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 checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$14"/>	Violation Final Penalty Total <input type="text" value="\$160"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$160"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No.: 35711

Reg. Ent. Reference No.: RN101192847

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
<small>No commas or \$</small>							

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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	6-Nov-2007	31-Dec-2008	1.2	\$14	n/a	\$14

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a facility operations manual. The date required is the initial 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

TOTAL

\$14

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35711	<small>PCW Revision January 29, 2008</small>	
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b)	
Violation Description	Failed to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

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
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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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	6-Nov-2007	31-Dec-2008	1.2	\$14	n/a	\$14

Notes for DELAYED costs

The delayed costs includes the amount necessary to develop and implement a monitoring plan. The date required is the initial 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	TOTAL	\$14
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Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW		
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35711		<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No. RN101192847				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	<input type="text" value="4"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(1)(F)"/>			
Violation Description	<input type="text" value="Failed to secure sanitary control easements covering land within 150 feet of Well Nos. 1 and 2."/>			
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" value="x"/>	<input type="text"/>
				Percent <input type="text" value="5%"/>
>> Programmatic Matrix				
			Falsification	
			Major	
			Moderate	
			Minor	
			Percent <input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health."/>			
Adjustment			<input type="text" value="\$950"/>	
			<input type="text" value="\$50"/>	
Violation Events				
Number of Violation Events		<input type="text" value="2"/>	Number of violation days	
		<input type="text" value="40"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>	
	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="Two single events are recommended, one event for each well."/>				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$17"/>		Violation Final Penalty Total <input type="text" value="\$160"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$160"/>		

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	N/A	\$0
Record Keeping System				0.0	\$0	N/A	\$0
Training/Sampling				0.0	\$0	N/A	\$0
Remediation/Disposal				0.0	\$0	N/A	\$0
Permit Costs				0.0	\$0	N/A	\$0
Other (as needed)	\$300	6-Nov-2007	31-Dec-2008	1.2	\$17	N/A	\$17

Notes for DELAYED costs

The delayed cost includes the amount necessary to secure sanitary control easements covering land within 150 feet of Well Nos. 1 and 2. The date required is the initial 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)

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

\$300

TOTAL

\$17

Screening Date 9-Apr-2008

Docket No. 2008-0608-MLM-E

PCW

Respondent Estate of Patetreen Petty dba Big Wood Springs Water System

Policy Revision 2 (September 2002)

Case ID No. 35711

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101192847

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(iii) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to conduct monthly bacteriological sampling. Specifically, at the time of the investigation, it was documented that the Respondent had not conducted bacteriological sampling for June 2007, December 2007, January 2008 and February 2008.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Failure to conduct monthly bacteriological sampling may expose customers to undetected contaminants that exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four monthly events are recommended, based on one event for each month sampling was not conducted.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$160	30-Jun-2007	29-Feb-2008	1.6	\$13	\$160	\$173
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to conduct bacteriological sampling for June 2007; December 2007, January 2008 and February 2008 (\$40 per sample). The date required is the date of the first missed sample. The final date is the date of the last missed sample.

Approx. Cost of Compliance

\$160

TOTAL

\$173

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35711	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(iii), 290.46(f)(3)(D)(i) and 290.46(f)(3)(D)(ii)	
Violation Description	Failed to provide the water system's operating records for Commission review during inspections. Specifically, at the time of the investigation, it was documented that the Respondent did not maintain the following records as required by the Commission: weekly disinfectant residual monitoring results, tank inspections, flushing logs, and microbiological analysis.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
		<input type="text"/>	x		<input type="text"/>
	Matrix Notes	30% of the rule requirement was not met.			Percent <input type="text" value="5%"/>

Adjustment

Violation Events

Number of Violation Events Number of violation days

<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	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$400	6-Nov-2007	31-Dec-2008	1.2	\$23	n/a	\$23

Notes for DELAYED costs

The delayed cost includes the amount necessary to provide and begin maintaining a record keeping system, including but not limited to weekly disinfectant residual monitoring results, tank inspections, flushing logs, and microbiological analysis. The date required is the initial 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$23
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Screening Date 9-Apr-2008		Docket No. 2008-0608-MLM-E		PCW	
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System			<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35711			<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No. RN101192847					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number		<input type="text" value="7"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(O)"/>			
Violation Description		<p>Failed to provide an intruder-resistant fence or lockable building to protect Well No. 2. Specifically, at the time of the investigation, it was documented that the well house for Well No. 2 was in disrepair with two sides having portions which were completely missing, and a large hole in the roof.</p>			
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="25%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes		<p>Failure to provide a proper intruder-resistant fence or lockable building for the well may allow unauthorized persons to enter and damage or vandalize the system 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 protective of human health.</p>			
Adjustment				<input type="text" value="\$750"/>	
				<input type="text" value="\$250"/>	
Violation Events					
		<input type="text" value="2"/>	<input type="text" value="40"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input checked="" type="checkbox"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
		single event	<input type="text"/>		
				Violation Base Penalty	<input type="text" value="\$500"/>
<p>Two monthly events are recommended, calculated from the investigation date, February 29, 2008, to the screening date April 9, 2008.</p>					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$161"/>	Violation Final Penalty Total		<input type="text" value="\$800"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$800"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No.: 35711

Reg. Ent. Reference No.: RN101192847

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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings	\$2,000	6-Nov-2007	31-Dec-2008	1.2	\$8	\$154	\$161
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to rehabilitate or replace the well house for Well No. 2. The date required is the initial 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

\$2,000

TOTAL

\$161

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System		
<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35711		
<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	<input type="text" value="8"/>	
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)"/>	
Violation Description	<input type="text" value="Failed to operate the water system under the direct supervision of a water works operator who holds a Class 'D' or higher license. Specifically, at the time of the investigation, it was documented that the operator of the system did not have a license to operate the system."/>	
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" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

	<input type="text" value="2"/>		<input type="text" value="40"/>	Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text" value="x"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text" value="x"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		Violation Base Penalty	<input type="text" value="\$500"/>
daily	<input type="text"/>															
monthly	<input type="text" value="x"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$75"/>	Violation Final Penalty Total <input type="text" value="\$800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$800"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

Media: Public Water Supply

Violation No.: 8

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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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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

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]	\$70	6-Nov-2007	9-Apr-2008	1.3	\$5	\$70	\$75
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the exam cost for a Class D operators license. The date required is the initial investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$70

TOTAL

\$75

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35711	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number <input type="text" value="9"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.44(a)(4)	
Violation Description	Failed to locate water lines a minimum of 24 inches below ground surface. Specifically, at the time of the investigation, it was documented that a water main line was exposed at the intersection of Private Road 8673 and the dirt road leading to the high level storage tank in the Big Wood Springs Subdivision.	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
		<input type="text"/>	<input type="text"/>		<input type="text"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
Matrix Notes	Failure to locate water lines at least 24 inches below ground surface may make lines susceptible to breakage and expose lines to temperature variances exposing the water supply to a significant amount of contaminants which would exceed levels protective of human health.				
				Adjustment <input type="text" value="\$750"/>	

Violation Events

Number of Violation Events <input type="text" value="2"/>	Number of violation days <input type="text" value="40"/>													
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
daily	<input type="text"/>													
monthly	<input checked="" type="checkbox"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													

Two monthly events are recommended, calculated from the investigation date, February 29, 2008, to the screening date, April 9, 2008.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$161"/>	Violation Final Penalty Total <input type="text" value="\$800"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$800"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

Media: Public Water Supply

Violation No: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)	6-Nov-2007	31-Dec-2008	1.2	\$8	\$154	\$161
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 necessary to relocate existing water main line to a depth of at least 24 inches below the ground surface. The date required is the initial 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)

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

\$161

Screening Date 9-Apr-2008

Docket No. 2008-0608-MLM-E

PCW

Respondent Estate of Patetreen Petty dba Big Wood Springs Water System

Policy Revision 2 (September 2002)

Case ID No. 35711

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101192847

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.46(q)(1) and 290.46(q)(2)

Violation Description

Failed to issue a boil water notification using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e) and keep the notice in effect until water distribution pressures in excess of 20 pounds per square inch ("psi") can consistently be maintained, a minimum of 0.2 milligrams per liter ("mg/L") chloramine is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms. Specifically, the water system was directed to issue a boil water notice on February, 25, 2008 as a result of a water outage due to a main break on February 23, 2008. On February 26, 2008 a chlorine residual field test conducted at 1730 Private Road 8692 measured a free chlorine residual of 0.0 mg/L and it was noted that the water system had yet to post a public notice. On January 29, 2008 the chlorine residual within the distribution system was adequate; however, the system had not collected a bacteriological sample nor posted any type of public notice.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to issue a boil water notice may not allow the public to take appropriate measures in response to low water pressures and low chlorine residuals which would potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

40 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, based on one event for each violation cited.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System
Case ID No: 35711
Reg. Ent. Reference No: RN101192847
Media: Public Water Supply
Violation No: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$100	25-Feb-2008	29-Feb-2008	0.0	\$0	\$100	\$100
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated cost to issue a boil water notice within 24 hours as required by the rule.
 The date required is the date the water system was notified to issue the boil water notice. The final date is the investigation date.

Approx. Cost of Compliance

\$100

TOTAL:

\$100

Screening Date 9-Apr-2008

Docket No. 2008-0608-MLM-E

PCW

Respondent Estate of Patetreen Petty dba Big Wood Springs Water System

Policy Revision 2 (September 2002)

Case ID No. 35711

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101192847

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.42(j)

Violation Description Failed to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, at the time of the investigation, it was documented that the Respondent uses S & S Dairy Supply, Inc., chlorinated liquid bleach, which is not listed in the 2006 NSF catalog as an approved chemical for disinfection.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to use approved disinfectant chemicals or media that meet ANSI/NSF standards could expose the water supply to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

40 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, from the date of the investigation, February 29, 2008, to the screening date, April 9, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$160

This violation Final Assessed Penalty (adjusted for limits) \$160

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

Media: Public Water Supply

Violation No: 11

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	6-Nov-2007	30-Nov-2008	1.1	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the amount necessary to obtain ANSI/NSF certified chemicals or media for the disinfection of water provided by the Facility. The date required is the date of the initial investigation. The final date is the estimated date of compliance.

Avoided Costs

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

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

\$5

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35711	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN101192847		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	12	
Rule Cite(s)	30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)	
Violation Description	Failed to collect a set of repeat water samples with in 24 hours of being notified of the total coliform positive result for a routine water sample collected in August 2007.	
Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Major	Moderate	Minor		
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	Matrix Notes	Failure to conduct repeat bacteriological sampling may expose customers of the water supply to a significant amount of undetected contaminants that exceed levels protective of human health.				Percent <input type="text" value="0%"/>

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

mark only one with an x

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation	Statutory/Limit Test
Estimated EB Amount <input type="text" value="\$160"/>	Violation Final Penalty Total <input type="text" value="\$400"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$400"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No.: 35711

Reg. Ent. Reference No.: RN101192847

Media: Public Water Supply

Violation No.: 12

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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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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

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]	\$160	28-Aug-2007	29-Aug-2007	0.0	\$0	\$160	\$160
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost (\$40 per sample) includes the amount necessary to collect four repeat bacteriological samplings for August 2007.

Approx. Cost of Compliance

\$160

TOTAL

\$160

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW		
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35711	<i>PCW Revision January 29, 2008</i>			
Reg. Ent. Reference No. RN101192847				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	Base Penalty \$1,000			
Rule Cite(s)				
Violation Description				
Base Penalty \$1,000				
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent 25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 0%
Matrix Notes	Failure to conduct repeat bacteriological sampling may expose customers of the water supply to a significant amount of undetected contaminants that exceed levels protective of human health.			
Adjustment			\$750	
			\$250	
Violation Events				
Number of Violation Events		<input type="checkbox"/> 30	Number of violation days	
<input checked="" type="checkbox"/> 5				
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty \$1,250	
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Five monthly events are recommended, based on the months the Respondent failed to sample.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount \$252		Violation Final Penalty Total \$1,999		
		This violation Final Assessed Penalty (adjusted for limits) \$1,999		

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System

Case ID No: 35711

Reg. Ent. Reference No: RN101192847

Media: Public Water Supply

Violation No: 13

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

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$240	1-Sep-2007	30-Sep-2007	1.0	\$12	\$240	\$252
Other (as needed)	0.0				\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost (\$40 per sample) includes the amount necessary to collect four repeat bacteriological samplings for August 2007.

Approx. Cost of Compliance

\$240

TOTAL

\$252



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	7-Apr-2008	Screening	9-Apr-2008	EPA Due	
	PCW	9-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Estate of Patetreen Petty dba Big Wood Springs Water System
Reg. Ent. Ref. No.	RN101192847
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35711	No. of Violations	1
Docket No.	2008-0608-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Enf. Coordinator	Andrea Linson-Mgbeodur
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19% Enhancement	Subtotals 2, 3, & 7	\$95
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Notes
Enhancement due to one prior Notice of Violation ("NOV") containing same or similar violations as those in current enforcement action and seven prior dissimilar NOV's.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Good Faith Effort to Comply	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$27	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$595
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$595
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$595
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$595
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Screening Date	9-Apr-2008	Docket No.	2008-0608-MLM-E	PCW
Respondent	Estate of Patetreen Petty dba Big Wood Springs Water S	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35711	<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No.	RN101192847			
Media [Statute]	Water Rights			
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	7	14%
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%
<i>Please Enter Yes or No</i>			
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) 19%

>> 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 due to one prior Notice of Violation ("NOV") containing same or similar violations as those in current enforcement action and seven prior dissimilar NOV's.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 19%

Screening Date 9-Apr-2008	Docket No. 2008-0608-MLM-E	PCW
Respondent Estate of Patetreen Petty dba Big Wood Springs Water System		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35711		<i>PCW Revision January 29, 2008</i>
Reg. Ent. Reference No. RN101192847		
Media [Statute] Water Rights		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 288.20(a) and 288.30(5)	
Violation Description	Failed to submit a drought contingency plan that includes all elements for municipal use by a retail public water supplier.	
Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	x	<input type="checkbox"/>		<input type="checkbox"/>
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				\$4,500	

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
<i>mark only one with an x</i>	single event	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$27"/>	Violation Final Penalty Total <input type="text" value="\$595"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$595"/>	

Economic Benefit Worksheet

Respondent: Estate of Patetreen Petty dba Big Wood Springs Water System
Case ID No.: 35711
Reg. Ent. Reference No.: RN101192847
Media: Water Rights
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	6-Nov-2007	30-Nov-2008	1.1	\$27	n/a	\$27

Notes for DELAYED costs

The delayed cost includes the amount necessary to draft and submit to the Commission a Drought Contingency Plan that meets the requirements for a retail public water supply. The date required is the initial 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$27
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Compliance History

Customer/Respondent/Owner-Operator:	CN603349119 ESTATE OF PATETREEN PETTY	Classification:	Rating:
Regulated Entity:	RN101192847 BIG WOOD SPRINGS WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2500019
	WATER LICENSING	LICENSE	2500019
Location:	LOCATED 13 MI E OF QUITMAN ON FARM-TO-MARKET ROAD 2088, WOOD COUNTY, TX		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	April 29, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 07, 2003 to April 07, 2008		

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? | Yes |
| 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 | 03/05/2004 | (28873) | |
| 2 | 03/15/2007 | (644309) | |
| 3 | 04/15/2007 | (644474) | |
| 4 | 06/01/2007 | (644812) | |
| 5 | 07/01/2007 | (645117) | |
| 6 | 07/15/2007 | (645339) | |
| 7 | 10/01/2007 | (645970) | |
| 8 | 11/14/2007 | (594527) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 03/08/2004 | (28873) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f) | | |
| Description: | Failure to provide copies of weekly usage records during the recent investigation. | | |
| | | | |
| Date: | 03/15/2007 | (644309) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(4) | | |
| Description: | BACT - MONITORING/REPORTING VIOLATIONS | | |
| Date: | 04/15/2007 | (644474) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(4) | | |
| Description: | BACT - MONITORING/REPORTING VIOLATIONS | | |
| Date: | 06/01/2007 | (644812) | |

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE
Date: 07/01/2007 (645117)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE
Date: 07/15/2007 (645339)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS
Date: 10/01/2007 (645970)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE
Date: 11/19/2007 (594527)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to provide copies of weekly usage records during the recent investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to provide an overflow pipe cover with a gap of no more than 1/16 inch at the high-level GS tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the well meters at least every three years.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to compile and maintain current a thorough plant operations manual.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure by the regulated entity to develop and maintain an up to date system monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to provide sanitary control easements for the wells.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(b)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
Description: Failure to make available the reports from monthly bacteriological samples for the past 12 months.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to certify the chemicals used for disinfection.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure to maintain the public water system's operating records: weekly chlorine residuals, annual tank inspection, and flushing logs.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20
Description: Failure by the water system to adopt a drought contingency plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to maintain Well house in such a manner as to protect Well 2.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
5A THSC Chapter 341, SubChapter A 341.033
Description: Failure by the regulated entity to be under the direct supervision of a licensed water works operator at all times.

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
ESTATE OF PATETREEN PETTY DBA
BIG WOOD SPRINGS WATER SYSTEM
RN101192847

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-0608-MLM-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding the Estate of Patetreen Petty dba Big Wood Springs Water System (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located 13 miles east of Quitman on Farm-To-Market Road 2088, Wood County, Texas (the “Facility”) that has approximately 74 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Respondent's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
3. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not submit a drought contingency plan that includes all elements for municipal use by a retail public water supplier.
4. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not calibrate well meters at least once every three years.
5. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not compile and maintain a thorough plant operations manual for operator review and reference.
6. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.
7. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not secure sanitary control easements covering land within 150 feet of Well Nos. 1 and 2.
8. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not conduct monthly bacteriological sampling. Specifically, at the time of the investigation, it was documented that the Respondent had not conducted bacteriological sampling for June 2007, December 2007, January 2008 and February 2008.
9. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not provide the water system's complete operating records for Commission review during inspections. Specifically, at the time of the investigation, it was documented that the Respondent did not maintain the following records as required by the Commission: weekly disinfectant residual monitoring results, tank inspections, flushing logs, and microbiological analysis.
10. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not provide an intruder-resistant fence or lockable building in order to protect Well No. 2. Specifically, at the time of the investigation, it was documented that the well house for Well No. 2 was in disrepair with two sides having portions which were completely missing, and a large hole in the roof.
11. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, at the time of the investigation, it was documented that the operator of the system did not have a license to operate the system.
12. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not locate water lines a minimum of 24 inches below ground surface. Specifically, at the time of the investigation, it was documented that a water main line was exposed at the intersection of Private

Road 8673 and the dirt road leading to the high level storage tank in the Big Wood Springs Subdivision.

13. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not issue a boil water notification using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) and keep the notice in effect until water distribution pressures in excess of 20 pounds per square inch ("psi") can consistently be maintained, a minimum of 0.2 milligrams per liter ("mg/L") chloramine is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms. Specifically, the water system was directed to issue a boil water notice on February, 25, 2008 as a result of a water outage due to a main break on February 23, 2008. On February 26, 2008 a chlorine residual field test conducted at 1730 Private Road 8692 measured a free chlorine residual of 0.0 mg/L and it was noted that the water system had yet to post a public notice. On January 29, 2008 the chlorine residual within the distribution system was adequate; however, the system had not collected a bacteriological sample nor posted any type of public notice.
14. During an investigation on February 29, 2008, TCEQ staff documented the Respondent did not use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, at the time of the investigation, it was documented that the Respondent uses S & S Dairy Supply, Inc., chlorinated liquid bleach, which is not listed in the 2006 NSF catalog as an approved chemical for disinfection.
15. During a record review on May 2, 2008, TCEQ staff documented the Respondent did not collect a set of repeat water samples within 24 hours of being notified of the total coliform positive result for a routine water sample collected in August 2007.
16. During a record review on May 2, 2008, TCEQ staff documented the Respondent did not collect and submit water samples for bacteriological analysis and provide public notification of the failure to collect water samples for the months of June and December 2007; and January and February 2008 and failed to collect at least five water samples for analysis for the months following a coliform positive water sample (September 2007) and failed to provide public notice of the failure to collect the appropriate number of water samples.
17. The Respondent received notices of the violations on April 13 and May 11, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to submit a drought contingency plan, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5), as documented during an investigation conducted February 29, 2008.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to calibrate well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to have a complete and up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to secure sanitary control easements covering land within 150 feet of Well Nos. 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to conduct monthly bacteriological sampling, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(iii) and TEX. HEALTH & SAFETY CODE § 341.033(d).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to provide the water system's complete operating records for Commission review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iv), 290.46(f)(3)(B)(iii), 290.46(f)(3)(D)(i) and 290.46(f)(3)(D)(ii).
9. As evidenced by Findings of Fact No. 10, the Respondent failed to provide an intruder-resistant fence or lockable building to protect the Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
10. As evidenced by Findings of Fact No. 11, the Respondent failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
11. As evidenced by Findings of Fact No. 12, the Respondent failed to locate water lines a minimum of 24 inches below ground surface, in violation of 30 TEX. ADMIN. CODE § 290.44(a)(4).
12. As evidenced by Findings of Fact No. 13, the Respondent failed to issue a boil water notification using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) and keep the notice in effect until water distribution pressures in excess of 20 psi can consistently be maintained, a minimum of 0.2 mg/L chloramine is present throughout the system and water samples collected for microbiological analysis are found negative for coliform organisms, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1) and 290.46(q)(2).
13. As evidenced by Findings of Fact No. 14, the Respondent failed to use an approved chemical or media for the disinfection of potable water that conforms to ANSI/NSF standards, in violation of 30 TEX. ADMIN. CODE § 290.42(j).

14. As evidenced by Findings of Fact No. 15, the Respondent failed to collect and submit repeat water samples, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
15. As evidenced by Findings of Fact No. 16, the Respondent failed to collect and submit water samples for bacteriological monitoring and failed to provide public notification of the failure to collect water samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii), 290.109(c)(2)(F), 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
16. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
17. An administrative penalty in the amount of Eight Thousand Six Hundred Seventy-Two Dollars (\$8,672) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid Two Hundred Seventy-Two Dollars (\$272) of the administrative penalty. The remaining amount of Eight Thousand Four Hundred Dollars (\$8,400) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Forty Dollars (\$240) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eight Thousand Six Hundred Seventy-Two Dollars (\$8,672) as set forth in Section II, Paragraph 17 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Estate of Patetreen Petty dba Big Wood Springs Water System, Docket No. 2008-0608-MLM-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a complete drought contingency plan, as required by 30 TEX. ADMIN. CODE §§ 288.20 and 288.30;
 - ii. Begin performing routine monthly bacteriological sampling of the water supply, as required by 30 TEX. ADMIN. CODE § 290.109;
 - iii. Ensure all well meters are properly calibrated, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iv. Begin using chlorinated bleach that conforms to ANSI/NSF Standard 60 for direct additives, as required by 30 TEX. ADMIN. CODE § 290.42;
 - v. Begin operating the Facility under the direct supervision of a Class "D" or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46;
 - vi. Develop and implement a standard operating procedure ensuring that special precautions are taken, and if necessary, boil water notices are issued in the event of low distribution system pressure, and water outages, and that bacteriological samples are taken to maintain the potability of the systems drinking water supply, as required by 30 TEX. ADMIN. CODE §§ 290.46 and 290.122.
 - 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. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42;
 - ii. Begin maintaining an up-to-date chemical and microbiological monitoring plan for the facility that identifies all locations where routine sampling for microbial contaminants is conducted, as required by 30 TEX. ADMIN. CODE § 290.121;

- iii. Obtain sanitary control easements that cover the land within 150 feet of Well Nos. 1 and 2, as required by 30 TEX. ADMIN. CODE § 290.41;
 - iv. Begin maintaining water system records, including but not limited to weekly disinfectant residual monitoring results, tank inspections, flushing logs, and microbiological analysis and make these records available to Commission personnel at the time of investigations, as required by 30 TEX. ADMIN. CODE § 290.46;
 - v. Provide Well No. 2 with an intruder-resistant fence that includes three strands of barbed wire on the top of the fence and a lockable gate or enclose the well in a locked ventilated well house to exclude possible contamination or damage to the well by trespassers, as required by 30 TEX. ADMIN. CODE § 290.41; and
 - vi. Locate all water lines a minimum of 24 inches below the ground surface, including but not limited to the water line located at the intersection of Private Road 8763 and the dirt road leading to the high level storage tank in the Big Wood Springs Subdivision, as required by 30 TEX. ADMIN. CODE § 290.44.
- 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

12/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Estate of Patetreen Petty dba Big Wood Springs Water System. I am authorized to agree to the attached Agreed Order on behalf of Estate of Patetreen Petty dba Big Wood Springs Water System, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Estate of Patetreen Petty dba Big Wood Springs Water System 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. I 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.

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.

Kim Leard
Signature

8/20/08
Date

Kim Leard
Name (Printed or typed)
Authorized Representative of
Estate of Patetreen Petty dba Big Wood Springs Water System

Accountant
Title

