

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0929-PWS-E TCEQ ID NOS: RN101175552 AND 101272433 CASE NO. 35993**

**RESPONDENT NAME: CLARENCE REEVES DBA PLEASANT RIDGE ADDITION  
AND TIMBER CREEK ADDITION**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> USED OIL	<input type="checkbox"/> WATER RIGHTS

**SITE WHERE VIOLATION(S) OCCURRED:** One mile north of US Highway 82 at Farm-to-Market Road 3902 near Sadler, Cooke County (Facility 1); and on the north side of US Highway 82, 1.4 miles east of Farm-to-Market Road 678 near Sadler, Cooke County (Facility 2)

**TYPE OF OPERATION:** Public Water Supply systems

**SMALL BUSINESS:**  Yes  No

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 4, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Cheryl Thompson, Air Enforcement Section, MC R-4, (817) 588-5886

**TCEQ Regional Contact:** Mr. Sid Slocum, Water Section Manager, TCEQ, MC R-4, (817) 588-5901

**Respondent:** Mr. Clarence Reeves dba Pleasant Ridge Addition and Timber Creek Addition, P.O. Box 514, Gordonville, Texas 76245

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

**RESPONDENT NAME: CLARENCE REEVES DBA PLEASANT RIDGE**  
**ADDITION AND TIMBER CREEK ADDITION**  
**DOCKET NO.: 2008-0929-PWS-E**

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> February 18, 2008, and June 3, 2008</p> <p><b>Date of NOE Relating to this Case:</b> March 31, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed on December 16, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on December 18, 2008, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> Not yet in compliance. The Respondent owes past-due fees of \$2,949.20 for Facility 1, and \$2,625.96 for Facility 2.</p> <p><b>PWS:</b> <u>Facility 1</u></p> <p>1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c)].</p> <p>2. Failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490041 for Fiscal Years 1994 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(6)].</p>	<p><b>Total Assessed:</b> \$3,117</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$3,117</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately at Facility 1:</p> <p>a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer and make a good-faith effort to deliver to non-bill paying customers; and</p> <p>b. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90490041.</p> <p>2. Within 30 days at Facility 2:</p> <p>a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer and make a good-faith effort to deliver to non-bill paying customers; and</p> <p>b. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90490030.</p> <p>3. Within 45 days, submit to the TCEQ for Facility 1 and Facility 2, copies of the CCRs provided to customers of the water systems and the certifications that the CCR have been distributed to the customers of the water systems and that the information in the CCRs is correct and consistent with the compliance monitoring data.</p> <p>4. Within 60 days, submit written certification demonstrating compliance with the above Ordering Provisions.</p>

RESPONDENT NAME: CLARENCE REEVES DBA PLEASANT RIDGE  
ADDITION AND TIMBER CREEK ADDITION  
DOCKET NO.: 2008-0929-PWS-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Facility 2</b></p> <p>3. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c)].</p> <p>4. Failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490030 for Fiscal Years 1994 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(6)].</p>		



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

<b>DATES</b>	Assigned	19-May-2008			
	PCW	2-Oct-2008	Screening	3-Jun-2008	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Clarence Reeves dba Pleasant Ridge Addition
Reg. Ent. Ref. No.	RN101175552
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35993	No. of Violations	2
Docket No.	2008-0929-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	<b>\$700</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	20.0% Enhancement	<i>Subtotal 2, 3, &amp; 7</i>
		<b>\$140</b>

Notes: The respondent received a previous Agreed Order containing a denial liability.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0.0% Reduction	<i>Subtotal 5</i>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Total EB Amounts	\$759	<i>Subtotal 6</i>	<b>\$0</b>
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Approx. Cost of Compliance: \$564  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	<b>\$840</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	90.4%	<i>Adjustment</i>	<b>\$759</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance.

**Final Penalty Amount** **\$1,599**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	<b>\$1,599</b>
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<b>DEFERRAL</b>	0.0% Reduction	<i>Adjustment</i>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,599</b>
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<b>Screening Date:</b> 3-Jun-2008	<b>Docket No.:</b> 2008-0929-PWS-E	<b>PCW</b>
<b>Respondent:</b> Clarence Reeves dba Pleasant Ridge Addition		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.:</b> 35993		<i>PCW Revision April 29, 2008</i>
<b>Reg. Ent. Reference No.:</b> RN101175552		
<b>Media [Statute]:</b> Public Water Supply		
<b>Enf. Coordinator:</b> Cheryl Thompson		

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

**>> 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**

The respondent received a previous Agreed Order containing a denial liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

<b>Screening Date</b>	3-Jun-2008	<b>Docket No.</b>	2008-0929-PWS-E	<b>PCW</b>
<b>Respondent</b>	Clarence Reeves dba Pleasant Ridge Addition			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35993			<i>PCW Revision April 29, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN101175552			
<b>Media [Statute]</b>	Public Water Supply			
<b>Ent. Coordinator</b>	Cheryl Thompson			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and (c)
<b>Violation Description</b>	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCR to the water system's customers for the years 2000 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the required certification to the TCEQ for the years 2000 through 2006.
<b>Base Penalty</b>	\$1,000

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

OR	<b>Harm</b>			Percent	0%	
	Release	Major	Moderate			Minor
	Actual					
	Potential					

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent	10%
		x				

100% of the rule requirement was not met.

**Adjustment** \$900

**\$100**

**Violation Events**

Number of Violation Events: 7      Number of violation days: 2190

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

**Violation Base Penalty** \$700

Seven annual events are recommended for the years in which no CCR was distributed to the customers of the water system.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount: \$759	Violation Final Penalty Total: \$1,599
This violation Final Assessed Penalty (adjusted for limits): \$1,599	

## Economic Benefit Worksheet

**Respondent:** Clarence Reeves dba Pleasant Ridge Addition  
**Case ID No.:** 35993

**Reg. Ent. Reference No.:** RN101175552

**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
<b>Item Description:</b> No commas or \$						

### Delayed Costs

Equipment				\$0	\$0	\$0
Buildings				\$0	\$0	\$0
Other (as needed)				\$0	\$0	\$0
Engineering/construction				\$0	\$0	\$0
Land				\$0	n/a	\$0
Record Keeping System				\$0	n/a	\$0
Training/Sampling				\$0	n/a	\$0
Remediation/Disposal				\$0	n/a	\$0
Permit Costs				\$0	n/a	\$0
Other (as needed)				\$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
Personnel				\$0	\$0	\$0
Inspection/Reporting/Sampling				\$0	\$0	\$0
Supplies/equipment				\$0	\$0	\$0
Financial Assurance [2]				\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$564	1-Jul-2001	1-Jul-2007	6.92	\$195	\$564
Other (as needed)				\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance

\$564

**TOTAL**

\$759

**Screening Date** 3-Jun-2008 **Docket No.** 2008-0929-PWS-E **PCW**  
**Respondent** Clarence Reeves dba Pleasant Ridge Addition *Policy Revision 2 (September 2002)*  
**Case ID No.** 35993 *PCW Revision April 29, 2008*  
**Reg. Ent. Reference No.** RN101175552  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Cheryl Thompson

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

**Number of Violation Events**  **Number of violation days**   
*mark only one with an x*  

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

**Violation Base Penalty**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**   
**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent:** Clarence Reeves dba Pleasant Ridge Addition

**Case ID No.:** 35993

**Reg. Ent. Reference No.:** RN101175552

**Media:** Public Water Supply

**Violation No.:** 2

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 \$	MM/DD/YYYY	MM/DD/YYYY	MM/DD/YYYY		

**Delayed Costs**

Equipment				0:00	\$0	\$0	\$0
Buildings				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0
Engineering/construction				0:00	\$0	\$0	\$0
Land				0:00	\$0	\$0	\$0
Record Keeping System				0:00	\$0	\$0	\$0
Training/Sampling				0:00	\$0	\$0	\$0
Remediation/Disposal				0:00	\$0	\$0	\$0
Permit Costs				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0:00	\$0	\$0	\$0
Personnel				0:00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0:00	\$0	\$0	\$0
Supplies/equipment				0:00	\$0	\$0	\$0
Financial Assurance [2]				0:00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0

Notes for AVOIDED costs

There is no economic benefit associated with this violation.

Approx. Cost of Compliance

\$0

TOTAL

\$0

## Compliance History

Customer/Respondent/Owner-Operator:	CN602106254 REEVES, CLARENCE A	Classification:	Rating:
Regulated Entity:	RN101175552 PLEASANT RIDGE ADDITION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0490041 0490041
Location:	1 MI N OF US HWY 82 AT FM 3902 NEAR SADLER, COOKE COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	June 17, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 04, 2003 to June 04, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Cheryl Thompson</u>	Phone:	<u>(817)588-5886</u>

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? 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.

Effective Date: 07/03/2003

ADMINORDER 2001-0149-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failed to provide sanitary easement.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failed to provide a working flow meter on the well discharge line.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
Description: Failed to conduct annual pressure tank inspections.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)  
Description: Failed to provide a pressure release device on the pressure tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description: Failed to conduct annual ground storage tank inspections.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failed to provide a customer service agreement or a plumbing ordinance.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
Description: Failed to maintain a minimum 200 gallons per connection ground storage tank capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)  
Description: Failed to use a disinfectant that is certified by ANSI/NSF.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)  
Description: Failed to maintain concrete sealing block around the well head.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)  
Description: Failed to provide an all weather road to the well site.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)  
Description: Failed to pay Public Health Fees.

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	02/01/2005	(343575)
2	03/27/2007	(543929)
3	05/09/2008	(654884)

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

<b>DATES</b>		Assigned	19-May-2008		
PCW		2-Oct-2008	Screening	3-Jun-2008	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Clarence Reeves dba Timber Creek Addition
Reg. Ent. Ref. No.	RN101272433
Facility/Site Region	4-Dallas/Fort-Worth
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35993	No. of Violations	2
Docket No.	2008-0929-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	Subtotal 1	\$700
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$140

Notes: The respondent received a previous Agreed Order containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0.0% 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.	

	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$678
Approx. Cost of Compliance	\$504

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	Final Subtotal	\$840
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	80.7%	Adjustment	\$678
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Notes: Enhancement recommended for the recovery of avoided costs of compliance.

Final Penalty Amount: \$1,518

<b>STATUTORY LIMIT ADJUSTMENT</b>	Final Assessed Penalty	\$1,518
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<b>DEFERRAL</b>	0.0% Reduction	Adjustment	\$0
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Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$1,518
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Screening Date 3-Jun-2008

Docket No: 2008-0929-PWS-E

PCW

Respondent: Clarence Reeves dba Timber Creek Addition

Policy Revision 2 (September 2002)

Case ID No: 35993

PCW Revision April 29, 2008

Reg. Ent. Reference No: RN101272433

Media [Statute]: Public Water Supply

Enf. Coordinator: Cheryl Thompson

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

#### >> 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

The respondent received a previous Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

<b>Screening Date</b>	3-Jun-2008	<b>Docket No.</b>	2008-0929-PWS-E	<b>PCW</b>
<b>Respondent</b>	Clarence Reeves dba Timber Creek Addition			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	35993			PCW Revision April 29, 2008
<b>Reg. Ent. Reference No.</b>	RN101272433			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Cheryl Thompson			
<b>Violation Number</b>	1			

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and (c)

**Violation Description**  
 Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCR to the water system's customers for the years 2000 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the required certification to the TCEQ for the years 2000 through 2006.

**Base Penalty** \$1,000

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

OR	<b>Harm</b>			<b>Percent</b>	
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>				
	<b>Potential</b>				

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Percent</b>
		X			10%

**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

**Violation Base Penalty** \$700

Seven annual events are recommended for the years in which no CCR was distributed to the customers of the water system.

**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:** Clarence Reeves dba Timber Creek Addition

**Case ID No.:** 35993

**Reg. Ent. Reference No.:** RN101272433

**Media:** Public Water Supply

**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
Equipment				0:00	\$0	\$0	\$0
Buildings				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0
Engineering/construction				0:00	\$0	\$0	\$0
Land				0:00	\$0	\$0	\$0
Record Keeping System				0:00	\$0	\$0	\$0
Training/Sampling				0:00	\$0	\$0	\$0
Remediation/Disposal				0:00	\$0	\$0	\$0
Permit Costs				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$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				0:00	\$0	\$0	\$0
Personnel				0:00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0:00	\$0	\$0	\$0
Supplies/equipment				0:00	\$0	\$0	\$0
Financial Assurance [2]				0:00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$504	1-Jul-2001	1-Jul-2007	6:92	\$174	\$504	\$678
Other (as needed)				0:00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance

\$504

TOTAL

\$678

**Screening Date:** 3-Jun-2008      **Docket No.:** 2008-0929-PWS-E      **PCW**  
**Respondent:** Clarence Reeves dba Timber Creek Addition      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 35993      *PCW Revision April 29, 2008*  
**Reg. Ent. Reference No.:** RN101272433  
**Media [Statute]:** Public Water Supply  
**Enf. Coordinator:** Cheryl Thompson

**Violation Number:** 2  
**Rule Cite(s):** 30 Tex. Admin. Code § 290.51(a)(6)  
**Violation Description:** Failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490030 for Fiscal Years 1994 through 2008.  
**Base Penalty:** \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
					0%

**Adjustment:** \$1,000

\$0

Violation Events

Number of Violation Events:       Number of violation days:   
*mark only one with an x*  

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

**Violation Base Penalty:** \$0  
 No penalty is recommended at this time because penalty and interest will be assessed at the next billing.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount: <input type="text"/> \$0	Violation Final Penalty Total: <input type="text"/> \$0
This violation Final Assessed Penalty (adjusted for limits): <input type="text"/> \$0	

## Economic Benefit Worksheet

**Respondent:** Clarence Reeves dba Timber Creek Addition

**Case ID No.:** 35993

**Reg. Ent. Reference No.:** RN101272433

**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

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System				0.00	\$0	N/A	\$0
Training/Sampling				0.00	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)				0.00	\$0	N/A	\$0

Notes for DELAYED costs

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

Notes for AVOIDED costs

There is no economic benefit associated with this violation.

Approx. Cost of Compliance

\$0

**TOTAL:**

\$0

## Compliance History

Customer/Respondent/Owner-Operator:	GN602106254	REEVES, CLARENCE A	Classification:	Rating:
Regulated Entity:	RN101272433	TIMBER CREEK ADDITION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0490030
	WATER LICENSING	LICENSE		0490030
Location:	NORTH SIDE OF US HWY 82, 1.4 MILES EAST OF FM 678 NEAR SADLER, COOKE COUNTY			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	June 17, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 04, 2003 to June 04, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817)588-5886

### 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.

Effective Date: 07/03/2008      ADMINORDER 2001-0149-FWS-E  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failed to provide a sanitary easement for the well.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failed to provide a working flow meter for the well discharge line.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.48(m)(1)(B)  
Description: Failed to conduct pressure tank inspections.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description: Failed to conduct ground storage tank inspections.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failed to provide a customer service agreement.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)  
Description: Failed to use disinfectant that is certified by ANSI/NSF.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)  
Description: Failed to maintain a concrete sealing block around the well.

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	12/28/2004	(337585)
2	03/27/2007	(553920)
3	05/15/2007	(644610)
4	08/01/2007	(845385)
5	05/02/2008	(654883)

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

Date 05/15/2007 (644610)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)

Description: BACT - MONITORING/REPORTING VIOLATIONS

Date 08/01/2007 (646385)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CLARENCE REEVES DBA  
PLEASANT RIDGE ADDITION  
AND TIMBER CREEK ADDITION;  
RN101175552 AND RN101272433**

§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER  
DOCKET NO. 2008-0929-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Clarence Reeves dba Pleasant Ridge Addition and Timber Creek Addition ("the Respondent").

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

**FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply serving Pleasant Ridge Addition located at one mile north of US Highway 82 at Farm-to-Market Road 3902 near Sadler, Cooke County, Texas (the "Facility 1"). Facility 1 provides water for human consumption and has 61 service connections and serves at least 25 people per day for at least 60 days per year. As such, Facility 1 is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
2. The Respondent owns and operates a public water supply serving Timber Creek Addition located on the north side of US Highway 82, 1.4 miles east of Farm-to-Market Road 678 near Sadler, Cooke County, Texas (the "Facility 2"). Facility 2 provides water for human consumption and has approximately 44 service connections and serves at least 25 people per day for at least 60 days per year. As such, Facility 2 is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).

3. During a record review of Facility 1 conducted on February 18, 2008, a TCEQ Central Office investigator documented that the Respondent failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCR to the water system's customers for the years 2000 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the required certification to the TCEQ for the years 2000 through 2006.
4. During a record review of Facility 1, conducted on June 3, 2008, a TCEQ Central Office investigator documented that the Respondent failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490041 for Fiscal Years 1994 through 2008.
5. During a record review of Facility 2, conducted on February 18, 2008, a TCEQ Central Office investigator documented that the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCR to the water system's customers for the years 2000 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the required certification to the TCEQ for the years 2000 through 2006.
6. During a record review of Facility 2, conducted on June 3, 2008, a TCEQ Central Office investigator documented that the Respondent failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490030 for Fiscal Years 1994 through 2008.
7. The Respondent received notice of the violations on or about April 5, 2008.
8. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Clarence Reeves dba Pleasant Ridge Addition and Timber Creek Addition" (the "EDPRP") in the TCEQ Chief Clerk's office on December 16, 2008.
9. By letter dated December 16, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served the Respondent with notice of

the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on December 18, 2008, as evidenced by the signature on the card.

10. More than 20 days have elapsed since the Respondent received notice of the EDPRP, provided by the Executive Director. The Respondent failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, the Respondent failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c).
3. As evidenced by Finding of Fact No. 4, the Respondent failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490041 for Fiscal Years 1994 through 2008, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6).
4. As evidenced by Finding of Fact No. 5, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a) and (c).
5. As evidenced by Finding of Fact No. 6, the Respondent failed to pay all outstanding Public Health Service fees and late fees for TCEQ Financial Administration Account No. 90490030 for Fiscal Years 1994 through 2008, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6).
6. As evidenced by Finding of Fact Nos. 8 and 9, the Executive Director timely served the Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
7. As evidenced by Finding of Fact No. 10, the Respondent failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE

§ 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against the Respondent and assess the penalty recommended by the Executive Director.

8. 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 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.
9. An administrative penalty in the amount of three thousand one hundred seventeen dollars (\$3,117.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of three thousand one hundred seventeen dollars (\$3,117.00) for violations of the Texas Water Code and Texas Health and Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Clarence Reeves dba Pleasant Ridge Addition and Timber Creek Addition; Docket No. 2008-0929-PWS-E" to:

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

2. The Respondent shall be required to implement the following corrective measures at Facility 1:
  - a. Immediately upon the effective date of the Commission Order, the Respondent shall mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer and make a good-faith effort to deliver to non-bill paying customers in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and
  - b. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90490041 with the notation "Pleasant Ridge Addition Account No. 90490041" to the address listed in Ordering Provision No. 1 of this section.
  
3. The Respondent shall be required to implement within 30 days after the effective date of the Commission Order, the following corrective measures at Facility 2:
  - a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer and make a good-faith effort to deliver to non-bill paying customers in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and,
  - b. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90490030 with the notation "Timber Creek Addition Account No. 90490030" to the address listed in Ordering Provision No. 1 of this section.
  
4. Within 45 days after the effective date of this Commission Order, the Respondent shall submit to the Commission, for Facility 1 and Facility 2, a copy of the CCR provided to customers of the water system and the certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE §§ 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section, Manager  
Public Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

5. Within 60 days after the effective date of this Order, the Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2 through 4. 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 Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2 through 4 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:

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

6. All relief not expressly granted in this Order is denied.
7. The provisions of this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
8. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.

9. 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 Order.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

