

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-0021-PWS-E **TCEQ ID:** RN101213874 **CASE NO.:** 38932
RESPONDENT NAME: Monticello Drive Estates, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Monticello Drive Estates, one-half mile north of Highway 199 on Monticello Road, Parker County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 28, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Keith D. Harvey, President, Monticello Drive Estates, Inc., 801 Monticello Drive, Springtown, Texas 76082 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 16, 2009</p> <p>Date of NOE Relating to this Case: December 15, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to develop and maintain an 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 Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>2) Failure to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii) and (F)(3)(A)(iii)].</p> <p>3) Failure to provide a sanitary control easement that covers the land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>5) Failure to calibrate well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>6) Failure to ensure the roof hatch on the ground storage tank remains locked except during inspections and maintenance [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p>	<p>Total Assessed: \$3,354</p> <p>Total Deferred: \$670 <input checked="" 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: \$109 (remaining \$2,575 due in 25 monthly payments of \$103 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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, ensure the roof hatch on the ground storage tank remains locked except during inspections and maintenance.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>ii. Begin maintaining a record of the annual inspection for the ground storage tank and develop and begin maintaining a record of complaints received and actions taken to address the complaints;</p> <p>iii. Compile and maintain a thorough plant operations manual for operator review and reference;</p> <p>iv. Conduct an annual inspection for the three pressure tanks; and</p> <p>v. Update the Facility's plant operations manual to ensure safeguards are taken after a well has been placed back in service from maintenance activities to prevent possible contamination of the water, including but not limited to, collecting raw water samples from the well until three successive raw water samples are free of coliform organisms.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p> <p>d. Within 60 days after the effective date of this Agreed Order, calibrate the well meters for Well No. 1 and Well No. 2.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written</p>

<p>7) Failure to ensure the ground storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water [30 TEX. ADMIN. CODE § 290.43(c)(5)].</p> <p>8) Failure to provide an intruder-resistant fence to protect the Facility's ground storage tank [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>9) Failure to conduct an annual inspection of the Facility's three pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>10) Failure to provide a flow measuring device for Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>11) Failure to have at least two service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>12) Failure to disinfect the well in accordance with American Water Works Association ("AWWA") standards after an existing well has been taken out-of-service [30 TEX. ADMIN. CODE § 290.41(c)(3)(F)].</p> <p>13) Failure to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision d.</p> <p>f. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement for the Facility's well;</p> <p>ii. Ensure the inlet is installed on the ground storage tank in a manner that would allow the water in the tank to properly circulate; and</p> <p>iii. Install three strands of barbed wire on the fence surrounding the ground storage tank and repair any openings in the fence to render the fence intruder-resistant.</p> <p>g. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision f.</p> <p>h. Within 120 days after the effective date of the Agreed Order, provide a flow measuring device for Well No. 2.</p> <p>i. Within 135 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision h.</p> <p>j. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide at least two service pumps having a total capacity of at least 2.0 gpm per connection; and</p> <p>ii. Provide pressure tank capacity of 20 gallons per connection.</p> <p>k. Within 195 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 j.</p>
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Additional ID No(s): 1840118



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Dec-2009	Screening	29-Dec-2009	EPA Due	
	PCW	11-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Monticello Drive Estates, Inc.		
Reg. Ent. Ref. No.	RN101213874		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38932	No. of Violations	13
Docket No.	2010-0021-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Henry
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,560
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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	5.0% Enhancement	Subtotals 2, 3, & 7	\$128
Notes	Penalty enhancement is due to one Notice of Violation ("NOV") that contain violations that are same or similar to the violations in the current enforcement action.		

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,075	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$6,565		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,688
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OTHER FACTORS AS JUSTICE MAY REQUIRE	23.4%	Adjustment	\$629
Notes	Enhancement recommended for recovery of avoided costs of compliance.		
	Final Penalty Amount	\$3,317	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,354
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DEFERRAL	20.0% Reduction	Adjustment	-\$670
Notes	Deferral offered for expedited settlement.		

PAYABLE PENALTY	\$2,684
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Screening Date 29-Dec-2009

Docket No. 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> 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

Penalty enhancement is due to one Notice of Violation ("NOV") that contain violations that are same or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 29-Dec-2009

Docket No. 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38932

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description Failed to develop and maintain an 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 Facility will use to comply with monitoring requirements. Specifically, at the time of the investigation, it was documented that the Facility did not have a monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 43

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Before NOV NOV to EDRP/Settlement

Extraordinary	
Ordinary	
N/A	x (mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent Monticello Drive Estates, Inc.

Case ID No. 38932

Reg. Ent. Reference No. RN101213874

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

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	\$100	16-Nov-2009	31-Aug-2010	0.79	\$0	\$5	\$6
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the estimated amount to develop and maintain a chemical and microbiological monitoring plan. The date required is the date of the 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 29-Dec-2009

Docket No: 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No: 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator: Amanda Henry

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.48(f)(3)(D)(ii) and (f)(3)(A)(ii)

Violation Description

Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the record from the annual inspections of the Facility's ground storage tank and a record of complaints received by the Facility and actions taken to resolve the complaints were not available for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

70% of the rule requirement was met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

43 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$13

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.
Case ID No.: 38932
Reg. Ent. Reference No.: RN101213874
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
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	n/a	\$0
Record Keeping System	\$200	16-Nov-2009	31-Aug-2010	0.79	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to develop and begin maintaining a record keeping system for the ground storage tank inspection reports and a record of complaints and actions taken to resolve them, calculated from the date of the investigation to 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$8

Screening Date: 29-Dec-2009

Docket No.: 2010-0021-PWS-E

PCW

Respondent: Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101213874

Media [Statute]: Public Water Supply

Enf. Coordinator: Amanda Henry

Violation Number: 3

Rule Cite(s)

30 Tex. Admin. Code §:290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement that covers the land within 150 feet of the Facility's well.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent: 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failure to secure a sanitary control easement could expose the Facility's water source to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment: \$950

\$50

Violation Events

Number of Violation Events: 1

43 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty: \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$13

Violation Final Penalty Total: \$65

This violation Final Assessed Penalty (adjusted for limits): \$65

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.
Case ID No.: 38932
Reg. Ent. Reference No.: RN101213874
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
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)	\$200	16-Nov-2009	31-Oct-2010	0.96	\$1	\$13	\$13
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to secure a sanitary control easement covering land within 150 feet of the well. The date required is the date of the 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$13

Screening Date: 29-Dec-2009

Docket No.: 2010-0021-PWS-E

PCW

Respondent: Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101213874

Media [Statute]: Public Water Supply

Enf. Coordinator: Amanda Henry

Violation Number: 4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile and maintain a thorough plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was documented that the Facility did not have a plant operations manual.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment: \$900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 43

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty: \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$10

Violation Final Penalty Total: \$130

This violation Final Assessed Penalty (adjusted for limits): \$130

Economic Benefit Worksheet

Respondent: Monticelio Drive Estates, Inc.
Case ID No.: 38932
Reg. Ent. Reference No.: RN101213874
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				0.00	\$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)	\$250	16-Nov-2009	31-Aug-2010	0.79	\$10	n/a	\$10

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a plant operations manual. The date required is the date of the 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$10

Screening Date: 29-Dec-2009	Docket No.: 2010-0021-PWS-E	PCW				
Respondent: Monticello Drive Estates, Inc.	<small>Policy Revision 2 (September 2002)</small>					
Case ID No.: 38932	<small>PCW Revision October 30, 2008</small>					
Reg. Ent. Reference No.: RN101213874						
Media [Statute]: Public Water Supply						
Enf. Coordinator: Amanda Henry						
Violation Number: 5						
Rule Cite(s):	30 Tex. Admin. Code § 290.46(s)(1)					
Violation Description:	Failed to calibrate well meters at least once every three years. Specifically, at the time of the investigation, it was documented that the well meters for Well No. 1 and Well No. 2 had not been calibrated in the last three years.					
Base Penalty:	\$1,000					
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		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 have the well meter properly calibrated could result in inaccurate or unavailable water usage and production data, which could expose the Facility's water source to an insignificant amount of pollutants which would not exceed levels that are protective of human health.					
Adjustment:	\$950					
\$50						
Violation Events						
	Number of Violation Events:	<input type="text" value="2"/>	<input type="text" value="1098"/>	Number of violation days		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	annual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$100"/>	
Two single events are recommended (based on one event per well).						
Good Faith Efforts to Comply						
	0:0% Reduction				\$0	
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>				
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>				
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>				
Notes	The Respondent does not meet the good faith criteria for this violation.					
Violation Subtotal:	\$100					
Economic Benefit (EB) for this violation						
Statutory Limit Test						
Estimated EB Amount:	<input type="text" value="\$238"/>				Violation Final Penalty Total:	<input type="text" value="\$130"/>
This violation Final Assessed Penalty (adjusted for limits):						<input type="text" value="\$130"/>

Economic Benefit Worksheet

Respondent Monticello Drive Estates, Inc.

Case ID No. 38932

Reg. Ent. Reference No. RN101213874

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$200	16-Nov-2006	16-Nov-2009	3.92	\$39	\$200	\$239

Notes for AVOIDED costs

The avoided costs include the amount to properly calibrate the Facility's well meters, calculated for the three years prior to the investigation date.

Approx. Cost of Compliance

\$200

TOTAL

\$239

Screening Date: 29-Dec-2009 **Docket No.:** 2010-0021-PWS-E **PCW**
Respondent: Monticello Drive Estates, Inc. *Policy Revision 2 (September 2002)*
Case ID No.: 38932 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN101213874
Media [Statute]: Public Water Supply
Enf. Coordinator: Amanda Henry

Violation Number: 6
Rule Cite(s): 30 Tex. Admin. Code § 290.43(c)(2)

Violation Description: Failed to ensure the roof hatch on the ground storage tank remains locked except during inspections and maintenance. Specifically, at the time of the investigation, it was documented that the roof hatch on the ground storage tank did not have a lock.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			X	Percent: 5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent: 0%

Matrix Notes: Failing to lock the roof hatch on the tank may expose the stored water to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment: \$950

Violation Events

Number of Violation Events: 1 43 Number of violation days

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

Violation Base Penalty: \$50

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction		\$0
	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 for this violation.

Violation Subtotal: \$50

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

Estimated EB Amount: \$1 Violation Final Penalty Total: \$65

This violation Final Assessed Penalty (adjusted for limits): \$65

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.
Case ID No.: 38932
Reg. Ent. Reference No.: RN101213874
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	16-Nov-2009	10-Aug-2010	0.73	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to purchase and install a lock for the hatch on the tank, calculated from the date of the investigation to 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Screening Date 29-Dec-2009

Docket No: 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No: 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(5)

Violation Description

Failed to ensure the ground storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water. Specifically, at the time of the investigation, it was documented that the inlet on the ground storage tank was installed in a manner that would not allow the water in the tank to properly circulate to prevent stagnation.

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 ensure the inlet on the ground storage tank is properly installed may cause stagnant water exposing customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

1

43 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the investigation date, November 18, 2009, to the screening date, December 29, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent Monticello Drive Estates, Inc.
Case ID No. 38932
Reg. Ent. Reference No. RN101213874
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	One-time Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time 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	\$500	16-Nov-2009	31-Oct-2010	0.96	\$2	\$32	\$33
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repair or replace the inlet connection on the ground storage tank in order to prevent short-circuiting or stagnation of water. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time 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

Approx. Cost of Compliance

\$500

TOTAL

\$33

Screening Date 29-Dec-2009 **Docket No.** 2010-0021-PWS-E **PCW**
Respondent Monticello Drive Estates, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 38932 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101213874
Media [Statute] Public Water Supply
Enf. Coordinator Amanda Henry
Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.43(e)
Violation Description Failed to provide an intruder-resistant fence to protect the Facility's ground storage tank. Specifically, at the time of the investigation, it was documented that the storage tank was enclosed in a fence that needed maintenance and barbed wire (there was no barbed wire).
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
Falsification				0%
Failing to provide an intruder-resistant fence for the storage tank may allow persons to enter and vandalize the storage tank which may compromise the Facility's ability to provide potable water which may expose customers to a significant amount of pollutants which would not exceed levels that are protective of human health.				

Adjustment \$900

Violation Events

Number of violation days
 mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100
 One quarterly event is recommended from the date of the investigation, November 16, 2009, to the screening date, December 29, 2009.

Good Faith Efforts to Comply **0.0%** Reduction **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

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

Estimated EB Amount \$67 **Violation Final Penalty Total** \$130
This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.
Case ID No.: 38932
Reg. Ent. Reference No.: RN101213874
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
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)	\$1,000	16-Nov-2009	31-Oct-2010	0.96	\$3	\$64	\$67
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide an intruder-resistant fence around the ground storage tank, calculated from the date of the investigation to 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$67

Screening Date 29-Dec-2009

Docket No: 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to conduct an annual inspection of the Facility's pressure tanks. Specifically, at the time of the investigation, it was documented that the Facility's three pressure tanks had not been inspected within the last 12 months.

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 inspect the Facility's pressure tanks could result in non-detection of a tank defect and compromise the integrity of the tank, which could expose the customers to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$750

Three annual event are recommended (one for each tank), calculated for the 12 months preceeding the investigation date of November 16, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$972

This violation Final Assessed Penalty (adjusted for limits) \$972

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.

Case ID No.: 38932

Reg. Ent. Reference No.: RN101213874

Media: Public Water Supply

Violation No.: 9

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				0.00	\$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)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	16-Nov-2008	16-Nov-2009	1.00	\$15	\$300	\$315
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

The avoided costs include the estimated amount to conduct an annual inspection of the three pressure tanks, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$315

Screening Date 29-Dec-2009 **Docket No.** 2010-0021-PWS-E **PCW**
Respondent Monticello Drive Estates, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 38932 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101213874
Media [Statute] Public Water Supply
Enf. Coordinator Amanda Henry
Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(N)
Violation Description Failed to provide a flow measuring device for Well No. 2.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix
 OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes
 Failure to provide a flow measuring device may not allow the operator to make necessary production and usage calculations and could result in improper treatment of water thereby exposing customers to a significant amount of contaminants which would not exceed levels protective of human health.
Adjustment \$900

Violation Events

Number of Violation Events Number of violation days

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

 Violation Base Penalty \$100
 One quarterly event is recommended from the date of the investigation, November 16, 2009 to the screening date, December 29, 2009.

Good Faith Efforts to Comply 0.0% Reduction \$0

	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 for this violation.
Violation Subtotal \$100

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$8 **Violation Final Penalty Total** \$130
This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.

Case ID No.: 38932

Reg. Ent. Reference No.: RN101213874

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$115	16-Nov-2009	25-Oct-2010	0.94	\$0	\$7	\$8
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a flow measuring device, calculated from the date of the investigation to 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$115

TOTAL

\$8

Screening Date: 29-Dec-2009

Docket No.: 2010-0021-PWS-E

PCW

Respondent: Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101213874

Media [Statute]: Public Water Supply

Enf. Coordinator: Amanda Henry

Violation Number: 11

Rule Cite(s): 30 Tex. Admin. Code § 290.45(b)(1)(F)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to have at least two service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has only one service pump.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
Inadequate service pump capacity could result in water outages and backflow problems and may allow a significant amount of contaminants to enter the distribution system which would exceed levels that are protective of human health.				0%

Adjustment: \$750

\$250

Violation Events

Number of Violation Events: 2 43 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty: \$500

Two monthly events are recommended from the investigation date, November 16, 2009, to the screening date, December 29, 2009.

Good Faith Efforts to Comply

0.0% Reduction: \$0

	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 for this violation.

Violation Subtotal: \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$85

Violation Final Penalty Total: \$648

This violation Final Assessed Penalty (adjusted for limits): \$648

Economic Benefit Worksheet

Respondent Monticello Drive Estates, Inc.
Case ID No. 38932
Reg. Ent. Reference No. RN101213874
Media Public Water Supply
Violation No. 11

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	16-Nov-2009	31-Jan-2011	1.21	\$4	\$81	\$85
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install an additional service pump, calculated from the date of the investigation to 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$85

Screening Date 29-Dec-2009

Docket No. 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(F)

Violation Description

Failed to disinfect the well in accordance with American Water Works Association ("AWWA") standards after an existing well has been taken out-of-service. Specifically, at the time of the investigation, it was documented that the Facility failed to provide documentation showing that Well No. 2 was disinfected in accordance with AWWA standards prior to placing the well back in service after reworking the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failure to disinfect the well according to AWWA standards may allow a significant amount of contaminants to enter the Facility which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 43

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

Two monthly events are recommended from the investigation date, November 16, 2009, to the screening date, December 29, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$648

This violation Final Assessed Penalty (adjusted for limits) \$648

Economic Benefit Worksheet

Respondent Monticello Drive Estates, Inc.
Case ID No. 38932
Reg. Ent. Reference No. RN101213874
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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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	16-Nov-2009	31-Aug-2010	0.79	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to update the Facility's plant operations manual to ensure safeguards are taken after the well has been placed back in service from maintenance activities to prevent possible contamination of the water. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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]	\$75	16-Nov-2009	17-Nov-2009	0.00	\$0	\$75	\$75
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect and submit three raw water samples from the well to complete the well disinfection process, calculated from the date the violation was documented.

Approx. Cost of Compliance

\$175

TOTAL

\$79

Screening Date 29-Dec-2009

Docket No. 2010-0021-PWS-E

PCW

Respondent Monticello Drive Estates, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101213874

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(F)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility has 31 service connections which requires a pressure tank capacity of 620 gallons. However, the Facility currently provides 357 gallons, which is a 42% deficiency.

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 provide adequate pressure tank capacity may result in low pressure throughout the distribution system potentially exposing customers of the Facility 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

43 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended from the investigation date, November 16, 2009, to the screening date, December 29, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$211

Violation Final Penalty Total \$130

This violation Final Assessed Penalty (adjusted for limits) \$130

Economic Benefit Worksheet

Respondent: Monticello Drive Estates, Inc.

Case ID No.: 38932

Reg. Ent. Reference No.: RN101213874

Media: Public Water Supply

Violation No.: 13

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	\$2,500	16-Nov-2009	31-Jan-2011	1.21	\$10	\$201	\$211
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the estimated amount to provide pressure tank capacity of 20 gallons per connection. The date required is the date of the investigation and 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$2,500** **TOTAL** **\$211**

Compliance History Report

Customer/Respondent/Owner-Operator: CN601651557 Monticello Drive Estates, Inc. Classification: Rating:
Regulated Entity: RN101213874 MONTICELLO DRIVE ESTATES Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840118

WATER LICENSING LICENSE 1840118

Location: .5 MI N OF HWY 199 ON MONTICELLO RD, PARKER COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: December 29, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 29, 2004 to December 29, 2009

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

Name: Amanda Henry Phone: 713-767-3672

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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 04/12/2007 (554844)
2 10/13/2009 (764644)
3 12/15/2009 (784110)

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

Date: 04/13/2007 (554844)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to obtain and keep on file for future reference, accurate information pertaining to well#1(G1840118B) and well#2 (G1840118C).

Self Report? NO

Classification: Minor

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

Description: Failure to provide general cleanliness around ground storage tank and well site.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

Description: Failure to provide ground storage tank constructed in accordance with AWWA

standards.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
 Description: Failure to use sodium hypochlorite for disinfection that conforms to the American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives.

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)
 Description: Failure to compile Monthly Reports of Water Works Operation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
 Description: Failure to inspect both the ground storage and pressure tanks at least annually.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failure to plug an abandoned public water supply well owned by the system, with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
 Description: Failure to maintain the lid of the hypochlorination solution container completely covered and sealed to prevent the entrance of dust, insects, and other contaminants.

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
MONTICELLO DRIVE ESTATES,
INC.
RN101213874

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0021-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Monticello Drive Estates, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply located one-half mile north of Highway 199 on Monticello Road, Parker County, Texas (the "Facility") that has approximately 31 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 20, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Three Hundred Fifty-Four Dollars (\$3,354) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Nine Dollars (\$109) of the administrative penalty and Six Hundred Seventy Dollars (\$670) is deferred contingent upon the

Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Five Hundred Seventy-Five Dollars (\$2,575) of the administrative penalty shall be payable in 25 monthly payments of One Hundred Three Dollars (\$103) 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.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on November 16, 2009.

2. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii) and (F)(3)(A)(iii), as documented during an investigation conducted on November 16, 2009.
3. Failed to provide a sanitary control easement that covers the land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on November 16, 2009.
4. 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), as documented during an investigation conducted on November 16, 2009.
5. Failed to calibrate well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on November 16, 2009.
6. Failed to ensure the roof hatch on the ground storage tank remains locked except during inspections and maintenance, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on November 16, 2009.
7. Failed to ensure the ground storage tank's inlet and outlet connections are properly located so as to prevent short-circuiting or the stagnation of water, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(5), as documented during an investigation conducted on November 16, 2009.
8. Failed to provide an intruder-resistant fence to protect the Facility's ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on November 16, 2009.
9. Failed to conduct an annual inspection of the Facility's three pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on November 16, 2009.
10. Failed to provide a flow measuring device for Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on November 16, 2009.
11. Failed to have at least two service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 16, 2009.
12. Failed to disinfect the well in accordance with American Water Works Association ("AWWA") standards after an existing well has been taken out-of-service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(F), as documented during an investigation conducted on November 16, 2009.
13. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 16, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monticello Drive Estates, Inc., Docket No. 2010-0021-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, ensure the roof hatch on the ground storage tank remains locked except during inspections and maintenance, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Begin maintaining a record of the annual inspection for the ground storage tank and develop and begin maintaining a record of complaints received and actions taken to address the complaints, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Compile and maintain a thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iv. Conduct an annual inspection for the three pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - v. Update the Facility's plant operations manual to ensure safeguards are taken after a well has been placed back in service from maintenance activities to prevent possible contamination of the water, including but not limited to, collecting raw water samples from the well until three successive raw water samples are free of coliform organisms, in accordance with 30 TEX. ADMIN. CODE § 290.41.

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.k, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a and 2.b.
- d. Within 60 days after the effective date of this Agreed Order, calibrate the well meters for Well No. 1 and Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 90 days after the effective date of this Agreed Order:
 - i. Obtain a sanitary control easement for the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the requirement pursuant to 30 TEX. ADMIN. CODE § 290.39;
 - ii. Ensure the inlet is installed on the ground storage tank in a manner that would allow the water in the tank to properly circulate, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Install three strands of barbed wire on the fence surrounding the ground storage tank and repair any openings in the fence to render the fence intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- g. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.f.
- h. Within 120 days after the effective date of the Agreed Order, provide a flow measuring device for Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- i. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.k below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 180 days after the effective date of this Agreed Order:
 - i. Provide at least two service pumps having a total capacity of at least 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- k. Within 195 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.j. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

10/11/2010
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

Keith D. Harvey
Signature

9/26/10
Date

Keith D. Harvey
Name (Printed or typed)
Authorized Representative of
Monticello Drive Estates, Inc.

Pres.
Title

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