

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0514-PWS-E **TCEQ ID:** RN102359908 **CASE NO.:** 39431

**RESPONDENT NAME:** Market Place Innovation, Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chengs Flea Market, 10802 Airline Drive near Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 16, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Ms. Joanne Ching Cheng, President, Market Place Innovation, Inc., 6968 Howell-Sugarland Road, Houston, Texas 77083  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 29, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 26, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide an intruder-resistant fence for the well, all potable water storage tanks and pressure maintenance facilities [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].</p> <p>2) Failure to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 milligrams per liter ("mg/L") free chlorine [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>4) Failure to provide a proper covering for the hypochlorination solution container to protect it from adverse weather conditions and prevent the entrance of dust, insects and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p> <p>5) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations [30 TEX. ADMIN. CODE § 290.121(b)].</p> <p>6) Failure to monitor the disinfectant</p>	<p><b>Total Assessed:</b> \$3,262</p> <p><b>Total Deferred:</b> \$652  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$110 (remaining \$2,500 due in 25 monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of April 14, 2010:</p> <p>i. Initiated maintenance and housekeeping practices by clearing all trash, debris, and excess vegetation from the areas around the well house, the 525 gallon pressure tank, and the 900 gallon pressure tank;</p> <p>ii. Compiled and began maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations;</p> <p>iii. Provided documentation of the Facility's four pressure tank inspections dated within 12 months prior to the investigation; and</p> <p>iv. Compiled and began maintaining on-site and up-to-date plant operations manual for operator review and reference.</p> <p>b. As of April 20, 2010, provided a lockable door for the wellhouse and intruder-resistant fencing for the well and all pressure maintenance facilities.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining a free chlorine residual concentration of at least 0.2 mg/L throughout the distribution system at all times; and</p> <p>ii. Begin weekly monitoring of the disinfectant residual at representative locations within the distribution system.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p>

<p>residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</p> <p>7) Failure to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii)].</p> <p>8) Failure to compile and maintain on-site an up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>9) Failure to install backflow prevention assemblies or an air gap at connections where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN CODE § 290.47(i) [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>10) Failure to pay all annual Public Health Service fees, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 91012642 in a timely manner [30 TEX. ADMIN. CODE § 290.51(b) and TEX. WATER CODE § 5.702].</p>		<p>i. Submit written certification as described in Ordering Provision c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>ii. Provide a proper covering for the hypochlorination solution container so as to prevent the entrance of dust, insects and other contaminants;</p> <p>iii. Install backflow prevention assemblies at all connections where an actual or potential contamination hazard exists; and</p> <p>iv. Submit payment for all outstanding fees, interest and penalties for TCEQ Financial Administration Account No. 91012642.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii through b.iv.</p>
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Additional ID No(s): PWS ID No. 1012642





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	29-Mar-2010	<b>PCW</b>	25-May-2010	<b>Screening</b>	30-Mar-2010	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Market Place Innovation, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102359908
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39431	<b>No. of Violations</b>	10
<b>Docket No.</b>	2010-0614-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson-Mgbeodur
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,820</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	8.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$225
<b>Notes</b>	Enhancement due to four prior Notices of Violation with violations that are dissimilar to those in the current enforcement action.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> \$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> \$57
<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b> \$0
<small>Total EB Amounts</small>	\$234	<small>*Capped at the Total EB \$ Amount</small>
<small>Approx. Cost of Compliance</small>	\$2,620	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,988</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	6.5%	<b>Adjustment</b> \$195
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
<b>Notes</b>	Enhancement for the recovery of avoided costs for Violation Nos. 2 and 6.	
	<b>Final Penalty Amount</b>	<b>\$3,183</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$3,262
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> -\$652
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
<b>Notes</b>	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		<b>\$2,610</b>

Screening Date: 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent: Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator: Andrea Linson-Mgbeoduru

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	4	8%
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) 8%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to four prior Notices of Violation with violations that are dissimilar to those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 8%

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)

Violation Description

Failed to provide an intruder-resistant fence for the well, all potable water storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fence surrounding the well and two pressure tanks was 5 feet 3 inches high and 4 inches from the ground on the south and west sides, 6 feet 4 inches high on the east side, and did not have any barbed wire. Additionally, the fence surrounding the 525 gallon pressure tank was 5 feet 11 inches high with no barbed wire across the top. Also, the fence surrounding the 900 gallon pressure tank was warped, did not have barbed wire across the top and the gate on the west side was not lockable and the door to the wellhouse was not attached or lockable.

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 an intruder-resistant fence may not protect the tanks, well and equipment from vandalism which may expose customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3 Number of violation days 60

daily	
weekly	
monthly	
quarterly	X
semi-annual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$300

Three quarterly events are recommended, based on one quarterly event for each fence, calculated from the investigation date, January 29, 2010, to the screening date, March 30, 2010.

Good Faith Efforts to Comply

10.0% Reduction

\$30

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

Notes

The Respondent achieved compliance with this violation as of April 20, 2010.

Violation Subtotal \$270

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

# Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**Media:** Public Water Supply

**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,500	29-Jan-2010	20-Apr-2010	0.22	\$1	\$22	\$23
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide intruder-resistant fencing for the wellhouse and all pressure maintenance facilities and a lockable door for the wellhouse. The date required is the date of the investigation. The final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$23

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN102359808

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 milligrams per liter ("mg/L") free chlorine. Specifically, at the time of the investigation, a field test conducted at the outside tap located at the front of the restroom produced a residual reading of 0.04 mg/L free chlorine. During the follow-up investigation conducted on February 8, 2010, a sample taken from the outside tap behind the tacqueria produced a residual reading of 0.02 mg/L free chlorine.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to maintain an adequate disinfectant concentration within the distribution system may allow bacteria to form in the water and could result in the delivery of water to the public containing a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events are 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.  
**Case ID No.:** 39431  
**Req. Ent. Reference No.:** RN102359908  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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				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]	\$50	29-Jan-2010	29-Jan-2010	0.00	\$0	\$50	\$50
Other (as needed)	\$50	8-Feb-2010	8-Feb-2010	0.00	\$0	\$50	\$50

Notes for AVOIDED costs

The avoided costs include the estimated amount to provide additional maintenance, oversight and an increase in the chlorine dosage that could have precluded the low disinfectant residual levels, calculated for the days on which the low disinfectant residual readings occurred.

Approx. Cost of Compliance

\$100

**TOTAL**

\$100

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that there was trash and debris in and around the wellhouse. Additionally, there was trash and a rusty propane tank inside the enclosure for the 525 gallon pressure tank, which was itself overgrown with vegetation. Also, there was trash, debris and a rusty storage drum within the 900 gallon pressure tank enclosure, which was overgrown with vegetation as 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

If the Facility and its equipment are not maintained, customers of the Facility could be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

60 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$15

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

Notes

The Respondent achieved compliance with this violation as of April 14, 2010.

Violation Subtotal \$135

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$157

This violation Final Assessed Penalty (adjusted for limits) \$157

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	29-Jan-2010	14-Apr-2010	0.21	\$0	\$8	\$9
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide housekeeping and maintenance, including but not limited to mowing the grass and pruning trees throughout the Facility as needed, and removing all trash, debris, and other discarded items from inside and around the wellhouse, as well as around the 525 and 900 gallon pressure tanks. The date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

**TOTAL**

\$9

Screening Date: 30-Mar-2010

Docket No.: 2010-0514-PWS-E

PCW

Respondent: Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No.: 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102359908

Media [Statute]: Public Water Supply

Enf. Coordinator: Andrea Linson-Mgbeoduru

Violation Number: 4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(5)

Violation Description

Failed to provide a proper covering for the hypochlorination solution container to protect it from adverse weather conditions and prevent the entrance of dust, insects and other contaminants. Specifically, at the time of the investigation, it was documented that the chlorine container had an open hole in the lid.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent: 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failure to provide proper covering for the chlorine container may allow insects, rodents or other vectors into the container exposing customers to an insignificant amount of contaminants, which would not exceed levels that are protective of human health.

Adjustment: \$950

\$50

Violation Events

Number of Violation Events: 1

60 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: \$3

Violation Final Penalty Total: \$58

This violation Final Assessed Penalty (adjusted for limits): \$58

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	29-Jan-2010	31-Oct-2010	0.75	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a proper covering for the chlorine container. The date required is the investigation date. The final date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$50

TOTAL

\$3

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.121(b)

Violation Description

Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations. Specifically, at the time of the investigation, it was documented that the Facility's monitoring plan did not include a sampling site plan

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent failed to meet less than 30% of the rule requirement.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

60 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

10.0% Reduction

\$1

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

Notes

The Respondent achieved compliance with this violation as of April 14, 2010.

Violation Subtotal \$9

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$10

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

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**Media:** Public Water Supply

**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$50	29-Jan-2010	14-Apr-2010	0.21	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to update the Facility's monitoring plan to include a sampling site plan. The date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$1

<b>Screening Date</b> 30-Mar-2010	<b>Docket No.</b> 2010-0514-PWS-E	<b>PCW</b>		
<b>Respondent</b> Market Place Innovation, Inc.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 39431	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102359908				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> 6				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(4)(A)			
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that the Facility had no chlorine residual log and no documentation to illustrate that chlorine residual testing was being performed at the Facility.			
<b>Base Penalty</b>	\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>	25%		
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>	0%		
<b>Matrix Notes</b>	Failure to monitor the disinfectant residual at representative locations throughout the distribution system could result in customers of the Facility being exposed to significant amounts of undetected contaminants which would exceed levels protective of human health.			
<b>Adjustment</b>	\$750			
				\$250
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	2		<b>Number of violation days</b>
		60		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
	<b>Violation Base Penalty</b>	\$500		
Two monthly events are recommended, calculated from the investigation date, January 29, 2010, to the screening date, March 30, 2010.				
<b>Good Faith Efforts to Comply</b>				
	<b>0.0% Reduction</b>			
	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>		
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$500
<b>Economic Benefit (EB) for this violation</b>				
<b>Estimated EB Amount</b>	\$95			<b>Violation Final Penalty Total</b>
				\$575
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				
				\$575

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**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

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				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]	\$90	29-Jan-2010	30-Mar-2010	1.08	\$5	\$90	\$95
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to perform weekly monitoring of the disinfectant residual at representative locations within the system (\$10 per week). The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$90

**TOTAL**

\$95

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(D)(ii)

Violation Description

Failed to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that records of the annual inspection reports of the Facility's four pressure tanks 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	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent failed to meet less than 30% of the rule requirement.

Adjustment \$990

\$10

Violation Events

1

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$1

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

Notes

The Respondent achieved compliance with this violation as of April 14, 2010.

Violation Subtotal \$9

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$10

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

# Economic Benefit Worksheet

**Respondent** Market Place Innovation, Inc.

**Case ID No.** 39431

**Reg. Ent. Reference No.** RN102359908

**Media** Public Water Supply

**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	29-Jan-2010	14-Apr-2010	0.21	\$1	n/a	\$1
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 all operating and maintenance activities at the Facility. The date required is the investigation date. The final date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$1

Screening Date 30-Mar-2010

Docket No. 2010-0514-PWS-E

PCW

Respondent Market Place Innovation, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39431

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102359908

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to compile and maintain on-site an up-to-date plant operations manual for operator review and reference.

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 10%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

1

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes

The Respondent achieved compliance with this violation as of April 14, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$104

This violation Final Assessed Penalty (adjusted for limits) \$104

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**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
<i>No commas or \$</i>							

### 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	29-Jan-2010	14-Apr-2010	0.21	\$1	n/a	\$1
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 compile and maintain a plant operations manual. The date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$1

<b>Screening Date:</b> 30-Mar-2010	<b>Docket No.:</b> 2010-0514-PWS-E	<b>PCW</b>				
<b>Respondent:</b> Market Place Innovation, Inc.	<i>Policy Revision 2 (September 2002)</i>					
<b>Case ID No.:</b> 39431	<i>PCW Revision October 30, 2008</i>					
<b>Reg. Ent. Reference No.:</b> RN102359908						
<b>Media [Statute]:</b> Public Water Supply						
<b>Enf. Coordinator:</b> Andrea Linson-Mgbeoduru						
<b>Violation Number:</b> 9						
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 290.44(h)(1)(A)					
<b>Violation Description:</b>	Failed to install backflow prevention assemblies or an air gap at connections where an actual or potential contamination hazard exists, as identified in 30 Tex. Admin. Code § 290.47(l). Specifically, at the time of the investigation, it was documented that there were three water hoses connected on a continuous basis to taps in the following locations that did not have air gaps or backflow prevention assemblies: inside the wellhouse, next to the pressure tank behind the jacqueria, and at the front entrance to the restroom building.					
<b>Base Penalty:</b>	\$1,000					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Release</b>	<b>Harm</b>				
		Major	Moderate	Minor		
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>&gt;&gt; Programmatic Matrix</b>						
	<b>Falsification</b>	Major	Moderate	Minor		
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Matrix Notes:</b>	Failure to have backflow prevention assemblies installed may allow back siphonage of a significant amount of contaminated material which could enter the distribution system and would exceed levels that are protective of human health.					
<b>Adjustment:</b>	\$750					
<b>\$250</b>						
<b>Violation Events</b>						
	<b>Number of Violation Events:</b>	<input type="text" value="6"/>	<input type="text" value="60"/>	<b>Number of violation days:</b>		
mark only one with an x	daily	<input type="checkbox"/>		<b>Violation Base Penalty</b>	<input type="text" value="\$1,500"/>	
	weekly	<input type="checkbox"/>				
	monthly	<input checked="" type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	<input type="checkbox"/>				
Six monthly events are recommended, based on two monthly events for each water hose connection, calculated from the investigation date, January 29, 2010, to the screening date, March 30, 2010.						
<b>Good Faith Efforts to Comply</b>						
	<input type="text" value="0.0%"/>	<b>Reduction</b>	<input type="text" value="\$0"/>			
	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)				
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.					
<b>Violation Subtotal</b> <input type="text" value="\$1,500"/>						
<b>Economic Benefit (EB) for this violation</b>						
<b>Statutory Limit Test</b>						
<b>Estimated EB Amount:</b>	<input type="text" value="\$2"/>				<b>Violation Final Penalty Total:</b>	<input type="text" value="\$1,728"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,728"/>						

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**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	\$30	29-Jan-2010	31-Oct-2010	0.75	\$0	\$2	\$2
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 install hose bib vacuum breakers where potential contamination hazards exist, as identified in 30 Tex. Admin. Code § 290.47(i). The date required is the investigation date. The final date is the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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

\$30

**TOTAL**

\$2

<b>Screening Date</b> 30-Mar-2010	<b>Docket No.</b> 2010-0514-PWS-E	<b>PCW</b>		
<b>Respondent</b> Market Place Innovation, Inc.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 39431	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102359908				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> 10				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(b) and Tex. Water Code § 5.702			
<b>Violation Description</b>	Failed to pay all annual Public Health Service fees, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 91012642, in a timely manner.			
<b>Base Penalty</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	<input type="text"/>			
		<b>Adjustment</b>	<input type="text" value="\$1,000"/>	
		<input type="text" value="\$0"/>		
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text"/>		<b>Number of violation days</b> <input type="text"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$0"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.				
<b>Good Faith Efforts to Comply</b>				
0.0% Reduction		<input type="text" value="\$0"/>		
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
<b>Notes</b>	<input type="text"/>			
		<b>Violation Subtotal</b>	<input type="text" value="\$0"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$0"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>		

## Economic Benefit Worksheet

**Respondent:** Market Place Innovation, Inc.

**Case ID No.:** 39431

**Reg. Ent. Reference No.:** RN102359908

**Media:** Public Water Supply

**Violation No.:** 10

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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				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

\$0

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601237571 MARKET PLACE INNOVATION, INC. Classification: Rating:  
Regulated Entity: RN102359908 CHENG'S FLEA MARKET Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012642  
Location: 10802 AIRLINE DR, NEAR HOUSTON, HARRIS COUNTY, TX  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: March 30, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: March 29, 2005 to March 29, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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 05/15/2007 (644651)  
2 06/15/2007 (644909)  
3 08/01/2007 (645418)  
4 09/01/2007 (645749)  
5 03/24/2010 (789949)

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

Date: 05/15/2007 (644651) CN601237571  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 06/15/2007 (644909) CN601237571  
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 (645418) CN601237571  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)  
Description: PUBLIC NOTICE

Date: 09/01/2007 (645749)

CN601237571

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  
MARKET PLACE INNOVATION, INC.  
RN102359908

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0514-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 Market Place Innovation, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. 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 flea market with a public water supply at 10802 Airline Drive near Houston, Harris County, Texas (the "Facility") that has 3 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 31, 2010.
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 Two Hundred Sixty-Two Dollars (\$3,262) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Ten Dollars (\$110) of the administrative penalty and Six Hundred Fifty-Two Dollars (\$652) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the

payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Two Thousand Five Hundred Dollars (\$2,500) of the administrative penalty shall be payable in 25 monthly payments of One Hundred Dollars (\$100) 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 recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. As of April 14, 2010:
    - i. Initiated maintenance and housekeeping practices by clearing all trash, debris, and excess vegetation from the areas around the well house, the 525 gallon pressure tank, and the 900 gallon pressure tank;
    - ii. Compiled and began maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations;
    - iii. Provided documentation of the Facility's four pressure tank inspections dated within 12 months prior to the investigation; and
    - iv. Compiled and began maintaining on-site and up-to-date plant operations manual for operator review and reference.
  - b. As of April 20, 2010, provided a lockable door for the wellhouse and intruder-resistant fencing for the well and all pressure maintenance facilities.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to provide an intruder-resistant fence for the well, all potable water storage tanks and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e), as documented during an investigation conducted on January 29, 2010.
2. Failed to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 milligrams per liter ("mg/L") free chlorine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 29, 2010.
3. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on January 29, 2010.
4. Failed to provide a proper covering for the hypochlorination solution container to protect it from adverse weather conditions and prevent the entrance of dust, insects and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on January 29, 2010.
5. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, in violation of 30 TEX. ADMIN. CODE § 290.121(b), as documented during an investigation conducted on January 29, 2010.
6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), as documented during an investigation conducted on January 29, 2010.
7. Failed to compile, maintain onsite, and make available for Commission review an up-to-date record of water work operations and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii), as documented during an investigation conducted on January 29, 2010.
8. Failed to compile and maintain on-site an up-to-date 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 January 29, 2010.

9. Failed to install backflow prevention assemblies or an air gap at connections where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(i), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on January 29, 2010.
10. Failed to pay all annual Public Health Service fees, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 91012642 in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(b) and TEX. WATER CODE § 5.702, as documented during a record review conducted on March 31, 2010.

### 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: Market Place Innovation, Inc., Docket No. 2010-0514-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. Immediately upon the effective date of this Agreed Order:
    - i. Begin maintaining a free chlorine residual concentration of at least 0.2 mg/L throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.110; and
    - ii. Begin weekly monitoring of the disinfectant residual at representative locations within the distribution system, as required by 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit written certification as described in Ordering Provision No. 2.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;

- ii. Provide a proper covering for the hypochlorination solution container so as to prevent the entrance of dust, insects and other contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.42;
- iii. Install backflow prevention assemblies at all connections where an actual or potential contamination hazard exists, as required by 30 TEX. ADMIN. CODE § 290.44; and
- iv. Submit payment for all outstanding fees, interest and penalties for TCEQ Financial Administration Account No. 91012642, in accordance with 30 TEX. ADMIN. CODE § 290.51. The payment shall be sent with the notation "RE: Market Place Innovation, Inc., Inc. FA Account No. 91012642" 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

- c. Within 45 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 Nos. 2.b.ii through 2.b.iv. 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 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

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

9/14/2010  
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.

Chip Cohen  
Signature

08/12/10  
Date

JOANNE CHENG  
Name (Printed or typed)  
Authorized Representative of  
Market Place Innovation, Inc.

President  
Title

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

