

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1274-PWS-E **TCEQ ID:** RN102679305 **CASE NO.:** 38113

RESPONDENT NAME: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Casey Homes Estates Public Water Supply, Number 3 Private Road 7355, one and one-half miles south of Wolfforth off Farm-to-Market Road 179, Lubbock 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 Respondents has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 22, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Jack Vanover and Ms. Rhonda Vanover, Owners, Casey Homes Estates Public Water Supply, P.O. Box 576, Wolfforth, Texas 79382 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 17, August 11, and August 19, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 29 and August 19, 2009 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>WATER</p> <p>1) Failure to make the Facility's operating records accessible for review during an inspection [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(B)(iii)].</p> <p>2) Failure to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)].</p> <p>3) Failure to pay all annual and late Public Health Service fees to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(6), TEX. WATER CODE § 5.702, and TCEQ Agreed Order Docket No. 2008-0966-PWS-E Ordering Provision 3.a.ii].</p> <p>4) Failure to complete and submit to the Executive Director the Disinfectant Level Quarterly Operating Reports ("DLQORs") [30 TEX. ADMIN. CODE § 290.110(e)(4)(A)].</p> <p>5) Failure to report all organic and inorganic chemical results to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].</p>	<p>Total Assessed: \$4,408</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$138 (remaining \$4,270 due in 35 monthly payments of \$122 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This case involves a violation of a prior Agreed Order. When the Respondents failed to comply with the prior Agreed Order, the Respondents demonstrated an indifference to legal duty.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondents to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining records of all water works operation and maintenance at the Facility including, but not limited to, records of the volume of water treated each week, records of the amount of chemicals used each week and records of weekly disinfectant residuals; and</p> <p>ii. Pay all outstanding fees, including any associated penalties and interest.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Begin submitting DLQORs to the Executive Director; and</p> <p>ii. Report all past and current quarterly organic and inorganic chemical results to the Executive Director.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c;</p> <p>e. Within 120 days after the effective date of this Agreed Order, properly plug Well No. 4 with cement according to the requirements set forth in 16 TEX. ADMIN. CODE ch. 76, or properly test the well to prove that it is in a non-deteriorated condition; and</p> <p>f. Within 135 days after the effective date</p>

DOCKET NO.: 2009-1274-PWS-E

		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 e.
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Additional ID No(s): PWS ID 1520188

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

TCEQ	DATES	Assigned 3-Aug-2009	PCW 23-Sep-2009	Screening 10-Aug-2009	EPA Due
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RESPONDENT/FACILITY INFORMATION	
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply	
Reg. Ent. Ref. No. RN102679305	
Facility/Site Region 2-Lubbock	Major/Minor Source Minor

CASE INFORMATION	
Enf./Case ID No. 38113	No. of Violations 5
Docket No. 2009-1274-PWS-E	Order Type Findings
Media Program(s) Public Water Supply	Government/Non-Profit No
Multi-Media	Enf. Coordinator Stephen Thompson
	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 \$2,260
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History 89.0% Enhancement	Subtotals 2, 3, & 7 \$2,011
Notes	Enhancement is due to eight NOVs that contain violations that are the same or similar to those contained in the current enforcement action, two dissimilar NOVs, one agreed final enforcement order containing a denial of liability and one agreed final enforcement order without a denial of liability.
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
Economic Benefit 0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts \$5,594	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance \$18,124	
SUM OF SUBTOTALS 1-7	Final Subtotal \$4,271
OTHER FACTORS AS JUSTICE MAY REQUIRE 2.5%	Adjustment \$106
Reduces or enhances the Final Subtotal by the indicated percentage.	
Notes	Enhancement recommended for the recovery of avoided costs of compliance.
	Final Penalty Amount \$4,377
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$4,408
DEFERRAL 0.0% Reduction	Adjustment \$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	
Notes	No deferral is recommended for Findings Orders.
PAYABLE PENALTY	\$4,408

Screening Date 10-Aug-2009

Docket No. 2009-1274-PWS-E

PCW

Respondent Jack Vanover and Rhonda Vanover dba Casey Homes E

Policy Revision 2 (September 2002)

Case ID No. 38113

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 89%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to eight NOVs that contain violations that are the same or similar to those contained in the current enforcement action, two dissimilar NOVs, one agreed final enforcement order containing a denial of liability and one agreed final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date 10-Aug-2009	Docket No. 2009-1274-PWS-E	PCW			
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Pul		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 38113		<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102679306					
Media [Statute] Public Water Supply					
Enf. Coordinator Stephen Thompson					
Violation Number 1					
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(I)(II), (f)(3)(A)(II)(III), and (f)(3)(B)(iii)					
Violation Description Failed to make the Facility's operating records accessible for review during an inspection. Specifically, at the time of the record review, it was documented that the following records were not being maintained at the Facility: records of the volume of water treated each week; records of the amount of chemicals used each week and records of weekly disinfectant residuals.					
Base Penalty		\$1,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x	1%
Matrix Notes	The Respondent failed to comply with less than 30 percent of the rule requirement.				
Adjustment					\$990
					\$10
Violation Events					
Number of Violation Events		1	Number of violation days		24
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	x			
Violation Base Penalty					\$10
One single event is recommended.					
Good Faith Efforts to Comply					
		0.0% Reduction		\$0	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
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		\$19
This violation Final Assessed Penalty (adjusted for limits)					\$50

Economic Benefit Worksheet

Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply

Case ID No. 38113

Reg. Ent. Reference No. RN102679305

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	16-Jan-2009	1-Mar-2010	1.12	\$6	n/a	\$6
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 ensure that copies of all of the Facility's operating records are kept on file, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 10-Aug-2009	Docket No. 2009-1274-PWS-E	PCW	
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Publ	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38113	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102679305			
Media [Statute] Public Water Supply			
Enf. Coordinator Stephen Thompson			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code § 290.48(u)		
Violation Description	Failed to plug an abandoned public water supply well with cement according to 16 Tex. Admin. Code Chapter 76 or test the well every five years, or as required by the Executive Director, to prove that it is in a non-deteriorated condition. Specifically, at the time of the record review, it was documented that Well No. 4 was not operational and there was no documentation to demonstrate that the well had been in use or had been tested in the past five years to ensure that it was in a non-deteriorated condition.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Percent			0%
Matrix Notes	Failure to plug or test the abandoned well could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.		
Adjustment			\$750
			\$250
Violation Events			
Number of Violation Events		1	Number of violation days
		24	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	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"/>	
One monthly event is recommended, calculated from the date of the record review, July 17, 2009, to the date of screening, August 10, 2009.			\$250
Good Faith Efforts to Comply			
0.0% Reduction			\$0
<small>Before NOV NOV to EDRP/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			\$250
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$145	Violation Final Penalty Total	\$484
This violation Final Assessed Penalty (adjusted for limits)			\$484

Economic Benefit Worksheet

Respondent: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply

Case ID No.: 38113

Reg. Ent. Reference No.: RN102679305

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
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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	13-Jan-2009	1-Jun-2010	1.38	\$7	\$138	\$145
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 properly plug the abandoned well, calculated from the date of the investigation, originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,600

TOTAL

\$145

Screening Date 10-Aug-2009	Docket No. 2009-1274-PWS-E	PCW		
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Publ	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 38113	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102679305				
Media [Statute] Public Water Supply				
Enf. Coordinator Stephen Thompson				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 290.51(a)(6), Tex. Water Code § 5.702 and TCEQ Agreed Order Docket No. 2008-0966-PWS-E Ordering Provision 3.a.ii.			
Violation Description	Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520186 for Fiscal Year 2009 to the TCEQ in a timely manner.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes				
Adjustment		\$1,000		
			\$0	
Violation Events				
	Number of Violation Events	<input type="text"/>	Number of violation days	
		<input type="text"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <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.				
Good Faith Efforts to Comply		0.0% Reduction	\$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)		
Notes				
Violation Subtotal		\$0		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$0"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$0"/>		

Economic Benefit Worksheet

Respondent: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply
Case ID No.: 38113
Reg. Ent. Reference No.: RN102679305
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)				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

There is no economic benefit associated with this violation.

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

Screening Date 10-Aug-2009	Docket No. 2009-1274-PWS-E	PCW		
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Publ		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38113		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102679305				
Media [Statute] Public Water Supply				
Enf. Coordinator Stephen Thompson				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)(A)			
Violation Description	Failed to complete and submit to the Executive Director by the tenth day of the month following the end of the quarter the Disinfectant Level Quarterly Operating Reports ("DLQORs") for the fourth quarter of 2008 and the first quarter of 2009.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				10%
Matrix Notes	100% of the rule requirement was not met.			
Adjustment		\$900		
				\$100
Violation Events				
Number of Violation Events		2		Number of violation days
		184		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input type="checkbox"/>			
Violation Base Penalty				\$200
Two quarterly events are recommended, calculated for the quarters in which the reports were not submitted.				
Good Faith Efforts to Comply			0.0% Reduction	\$0
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/> (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		\$108		Violation Final Penalty Total
				\$387
This violation Final Assessed Penalty (adjusted for limits)				\$387

Economic Benefit Worksheet

Respondent: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply

Case ID No.: 38113

Reg. Ent. Reference No.: RN102679305

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
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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				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]	\$100	10-Jan-2009	10-Apr-2009	1.16	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to ensure that DLQORs are completed and submitted to the Executive Director. Calculated from the last day that the report was due for the fourth quarter of 2008 to the last day the report was due for the first quarter of 2009.

Approx. Cost of Compliance

\$100

TOTAL

\$106

Screening Date 10-Aug-2009	Docket No. 2009-1274-PWS-E	PCW	
Respondent Jack Vanover and Rhonda Vanover dba Casey Homes Estates Publ	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38113	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102679305			
Media [Statute] Public Water Supply			
Enf. Coordinator Stephen Thompson			
Violation Number 5			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)		
Violation Description	Failed to report all organic and inorganic chemical results to the Executive Director from the first quarter of 2005 to the second quarter of 2009.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%
>> Programmatic Matrix			
Falsification			
Major			Minor
<input type="checkbox"/>			<input type="checkbox"/>
<input checked="" type="checkbox"/>			<input type="checkbox"/>
Percent			10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$900	
		\$100	
Violation Events			
Number of Violation Events		18	Number of violation days
		1641	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
Eighteen quarterly events are recommended, calculated for the quarters during which no reporting occurred.			\$1,800
Good Faith Efforts to Comply			
		0.0% Reduction	\$0
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$1,800	
Economic Benefit (EB) for this violation			
Estimated EB Amount		\$5,338	
Statutory Limit Test			
Violation Final Penalty Total		\$3,486	
This violation Final Assessed Penalty (adjusted for limits)		\$3,486	

Economic Benefit Worksheet

Respondent: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply

Case ID No.: 38113

Reg. Ent. Reference No.: RN102679305

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	Overtime 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)	\$8,212	1-Jan-2005	1-Jun-2010	5.42	\$148	\$2,965	\$3,114
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)	\$8,212	1-Jan-2005	1-Jun-2010	5.42	\$2,224	n/a	\$2,224

Notes for DELAYED costs

The delayed costs include the amount owed to the LCRA Environmental Laboratory to analyze the chemical samples and prepare and submit the reports to the Executive Director. Calculated from the first day of the first quarter that the samples were collected to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$16,424

TOTAL

\$5,338

Compliance History Report

Customer/Respondent/Owner-Operator: CN602707697 VANOVER, JACK Classification: Rating:
Regulated Entity: RN102679305 CASEY HOMES ESTATES PUBLIC Classification: Site Rating:
WATER SUPPLY

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520188

Location: #3 PR 7355, 1.5 MI SOUTH OF WOLFFORTH OFF FM 179, LUBBOCK COUNTY, TX

TCEQ Region: REGION 02 - LUBBOCK

Date Compliance History Prepared: August 03, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 03, 2004 to August 03, 2009

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

Name: Stephen Thompson Phone: (512) 239-2558

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
- 6.

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2006

ADMINORDER 2004-1984-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect bacteriological samples for the months of January 2003 through July 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)

Description: Failed to post public notification of violations as required by 30 Tex. Admin. Code § 290.122 for the months of January 2003 through May 2004.

Effective Date: 01/30/2009

ADMINORDER 2008-0966-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of

each year.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Years 2004 through 2008 to the TCEQ in a timely manner.

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	11/03/2004	(337195)
2	01/31/2005	(346051)
3	03/21/2005	(374617)
4	04/14/2006	(461121)
5	10/09/2007	(652832)
6	05/09/2008	(654987)
7	12/03/2008	(709555)
8	06/16/2009	(749341)
9	07/27/2009	(762735)

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

Date: 10/09/2007 (652832) CN602707697
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
Description: FLUORIDE (PRIMARY)

Date: 08/13/2008 (684554) CN602707697
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
Description: Failure to employ an operator with a Class "D" or higher license.

Date: 12/03/2008 (709555) CN602707697
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.

Date: 02/25/2009 (725104) CN602707697
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
Description: Failure to test wells that are not in use.

Date: 01/28/2009 (766761) CN601791023
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

Date: 03/27/2009 (766721) CN601791023
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
 Description: Failure to monitor disinfectant levels for the fourth quarter of 2008.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)
 Description: Failure to report disinfectant levels to the Executive Director for the fourth quarter of 2008.

Date: 04/17/2009 (766761) CN601791023
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

Date: 05/27/2009 (766746) CN601791023
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 Description: Failure to deliver the annual Consumer Confidence Report (CCR) for 2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: Failure to deliver a copy and certification of delivery of the annual Consumer Confidence Report for the 2007 CCR year.

Date: 07/21/2009 (766742) CN601791023
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
 Description: Failure to monitor disinfectant levels for the first quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)
 Description: Failure to report disinfectant levels to the Executive Director for the first quarter of 2009.

Date: 07/27/2009 (766761) CN601791023
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

- 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

Compliance History Report

Customer/Respondent/Owner-Operator: CN601791023 VANOVER, RHONDA C Classification: Rating:
Regulated Entity: RN102679305 CASEY HOMES ESTATES PUBLIC Classification: Site Rating:
WATER SUPPLY

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520188

Location: #3 PR 7355, 1.5 MI SOUTH OF WOLFFORTH OFF FM 179, LUBBOCK COUNTY, TX

TCEQ Region: REGION 02 - LUBBOCK

Date Compliance History Prepared: August 03, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 03, 2004 to August 03, 2009

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

Name: Stephen Thompson Phone: (512) 239-2558

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
- 6.

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2006

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Classification: Moderate

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5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failed to collect bacteriological samples for the months of January 2003 through July 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)

Description: Failed to post public notification of violations as required by 30 Tex. Admin. Code § 290.122 for the months of January 2003 through May 2004.

Effective Date: 01/30/2009

ADMINORDER 2008-0966-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Years 2004 through 2008 to the TCEQ in a timely manner.

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	11/03/2004	(337195)
2	01/31/2005	(346051)
3	03/21/2005	(374617)
4	04/14/2006	(461121)
5	10/09/2007	(652832)
6	05/09/2008	(654987)
7	12/03/2008	(709555)
8	06/16/2009	(749341)
9	07/27/2009	(762735)

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

Date: 10/09/2007 (652832) CN601791023
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
Description: FLUORIDE (PRIMARY)

Date: 08/13/2008 (684554) CN601791023
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
Description: Failure to employ an operator with a Class "D" or higher license.

Date: 12/03/2008 (709555) CN601791023
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.

Date: 02/25/2009 (725104) CN601791023
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
Description: Failure to maintain all records of water works operation and maintenance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
Description: Failure to test wells that are not in use.

Date: 01/28/2009 (766761) CN601791023
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

Date: 03/27/2009 (766721) CN601791023
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
 Description: Failure to monitor disinfectant levels for the fourth quarter of 2008.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)
 Description: Failure to report disinfectant levels to the Executive Director for the fourth quarter of 2008.

Date: 04/17/2009 (766761) CN601791023
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

Date: 05/27/2009 (766746) CN601791023
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 Description: Failure to deliver the annual Consumer Confidence Report (CCR) for 2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: Failure to deliver a copy and certification of delivery of the annual Consumer Confidence Report for the 2007 CCR year.

Date: 07/21/2009 (766742) CN601791023
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
 Description: Failure to monitor disinfectant levels for the first quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)
 Description: Failure to report disinfectant levels to the Executive Director for the first quarter of 2009.

Date: 07/27/2009 (766761) CN601791023
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: Failure to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: Failure to report all Organic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009.

- 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
JACK VANOVER AND RHONDA	§	TEXAS COMMISSION ON
VANOVER DBA CASEY HOMES	§	
ESTATES PUBLIC WATER SUPPLY	§	
RN102679305	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1274-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply (“the Respondents”) 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 Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

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

I. FINDINGS OF FACT

1. The Respondents own and operate a public water supply at Number 3 Private Road 7355, one and one-half miles south of Wolforth off Farm-to-Market Road 179 in Lubbock County, Texas (the “Facility”) that has approximately 104 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on July 17, 2009, TCEQ staff documented that the Respondents did not make the Facility's operating records accessible for review during an inspection. Specifically, at the time of the record review, it was documented that the following records were not being maintained at the Facility: records of the volume of water treated each week, records of the amount of chemicals used each week and records of weekly disinfectant residuals.
3. During a record review conducted on July 17, 2009, TCEQ staff documented that the Respondents did not plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years, or as required by the Executive Director, to prove that it is in a non-deteriorated condition. Specifically, at the time of the record review, it was documented that Well No. 4 was not operational and there was no documentation to demonstrate that the well had been in use or had been tested in the past five years to ensure that it was in a non-deteriorated condition.
4. During a record review conducted on August 11, 2009, TCEQ staff documented that the Respondents did not pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Year 2009 to the TCEQ in a timely manner.
5. During a record review conducted on August 19, 2009, TCEQ staff documented that the Respondents did not monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained and did not complete and submit to the Executive Director by the tenth day of the month following the end of the quarter the Disinfectant Level Quarterly Operating Reports ("DLQORs") for the fourth quarter of 2008 and the first quarter of 2009
6. During a record review conducted on August 19, 2009, TCEQ staff documented that the Respondents did not report all organic and inorganic chemical results to the Executive Director from the first quarter of 2005 to the second quarter of 2009.
7. The Respondents received notice of the violations on August 3 and August 24, 2009.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondents failed to make the Facility's operating records accessible for review during an inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(B)(iii).
3. As evidenced by Findings of Fact No. 3, the Respondents failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u).

4. As evidenced by Findings of Fact No. 4, the Respondents failed to pay all annual and late Public Health Service fees to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6), TEX. WATER CODE § 5.702 and TCEQ Agreed Order Docket No. 2008-0966-PWS-E Ordering Provision 3.a.ii.
5. As evidenced by Findings of Fact No. 5, the Respondents failed to complete and submit to the Executive Director the DLQORs, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A).
6. As evidenced by Findings of Fact No. 6, the Respondents failed to report all organic and inorganic chemical results to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Four Thousand Four Hundred Eight Dollars (\$4,408) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondents have paid One Hundred Thirty-Eight Dollars (\$138) of the administrative penalty. The remaining amount of Four Thousand Two Hundred Seventy Dollars (\$4,270) of the administrative penalty shall be payable in thirty-five (35) monthly payments of One Hundred Twenty-Two Dollars (\$122) 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 Respondents fail 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 Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondents are assessed an administrative penalty in the amount of Four Thousand Four Hundred Eight Dollars (\$4,408) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and

shall be sent with the notation "Re: Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply, Docket No. 2009-1274-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. Jack Vanover and Rhonda Vanover, the Respondents, are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.

3. The Respondents shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

- i. Begin maintaining records of all water works operation and maintenance at the Facility, including but not limited to, records of the volume of water treated each week, records of the amount of chemicals used each week and records of weekly disinfectant residuals, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
- ii. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 91520188, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall include the notation "Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply, Account No. 91520188" and shall be mailed 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

b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 3.f below, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

c. Within 90 days after the effective date of this Agreed Order:

- i. Begin submitting DLQORs to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
- ii. Report all past and current quarterly organic and inorganic chemical results to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.107.

- d. Within 105 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 3.f below, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 120 days after the effective date of this Agreed Order, properly plug Well No. 4 with cement according to the requirements set forth in 16 TEX. ADMIN. CODE ch. 76, or properly test the well to prove that it is in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 135 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. 3.e. 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
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and

- substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 9. This 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.
 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Zeller
For the Executive Director

11/29/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply. I am authorized to agree to the attached Agreed Order on behalf of Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

JACK VANOVER
Signature

12-5-09
Date

JACK VANOVER
Name (Printed or typed) Authorized Representative of
Jack Vanover dba Casey Homes Estates Public Water Supply

CO-OWNER
Title

Rhonda Vanover
Signature

12-5-09
Date

Rhonda Vanover
Name (Printed or typed) Authorized Representative of
Rhonda Vanover dba Casey Homes Estates Public Water Supply

OWNER/OPERATOR
Title

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

