

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2007-1869-PWS-E TCEQ ID: RN101271591 CASE NO.: 34976
RESPONDENT NAME: JEANNETTE SMITH RAINES DBA YEGUA WATER SYSTEM**

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: Intersection of Park Road 57 and Big Berry Road, Somerville, Burleson County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received, alleging a very strong rotten egg odor in the water. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at agenda. No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired March 29, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Water Enforcement Section, MC 169, (512) 239-2558

TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001

Respondent: Ms. Jeannette Smith Raines, 6743 CR 313, Plantersville, Texas 77363

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: August 28, 2007</p> <p>Dates of Investigation Relating to this Case: September 5, 2007, June 11, 2008, and October 10, 2008</p> <p>Dates of NOEs Relating to this Case: October 1, 2007 and October 20, 2008</p> <p>Background Facts: This case was referred to the Litigation Division on February 15, 2008. The EDPRP was filed against Yegua Water System, Inc., on April 3, 2008. A subsequent investigation revealed additional violations, and an EDFARP containing the new violations was filed January 9, 2009. An EDSARP was filed on January 21, 2009. An EDTARP naming the Respondent as an individual dba was filed on May 4, 2009. The Respondent filed an answer and the case was referred to SOAH. The evidentiary hearing was set for December 17, 2009. The Respondent appeared telephonically at the evidentiary hearing and agreed to settle the case. The agreed order was signed on January 26, 2010.</p> <p>Current Compliance Status: The Respondent no longer owns the Facility.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to maintain a free chlorine residual of at least 0.20 milligrams per liter throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(C)]. Failed to inspect the interior surface of the pressure tank at least once every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. Failed to provide a sanitary control easement for the Facility's water well [30 TEX. ADMIN. CODE § 290.41 (C)(1)(F)]. Failed to provide the pressure tank with a device to readily determine air-water-volume, and failed to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)]. 	<p>Total Assessed: \$4,138</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$138/\$4,000</p> <p>The Respondent paid \$138 of the administrative penalty. The remaining amount of \$4,000 shall be payable in 40 monthly payments of \$100 each.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>The Executive Director recognizes that the Respondent no longer owns the Facility.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5. Failed to provide all pressure tanks with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].		
6. Failed to provide a total pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv)].		
7. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii)].		
8. Failed to provide a total service pump capacity of 2.0 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii)].		
9. Failed to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i)].		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	27-Oct-2008			
	PCW	1-May-2009	Screening	17-Dec-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Jeannette Smith Raines dba Yegua Water System
Reg. Ent. Ref. No.	RN101271591
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34976	No. of Violations	9
Docket No.	2007-1869-PWS-E	Order Type	1660
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	\$3,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	19.0% Enhancement	Subtotals 2, 3, & 7	\$608
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Notes: Enhancement is due to three Notices of Violation ("NOVs") that contain violations that are the same or similar to those in current enforcement action and two dissimilar NOVs.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,969
 Approx. Cost of Compliance: \$71,860
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,808
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.7%	Adjustment	\$330
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

Final Penalty Amount	\$4,138
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,138
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$4,138
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Screening Date 17-Dec-2008

Docket No. 2007-1869-PWS-E

PCW

Respondent Jeannette Smith Raines dba Yegua Water System

Policy Revision 2 (September 2002)

Case ID No. 34976

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101271591

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 (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 19%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to three Notices of Violation ("NOVs") that contain violations that are the same or similar to those in current enforcement action and two dissimilar NOVs.

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

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	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" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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				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	11-Jun-2003	11-Jun-2008	5.92	\$30	\$100	\$130
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to inspect the interior of the Facility's two pressure tanks, calculated for the five years preceding the date of the investigation initially documenting the violation.

Approx. Cost of Compliance \$100

TOTAL \$130

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Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$100	11-Jun-2008	1-Aug-2009	1.14	\$6	n/a	\$6

Notes for DELAYED costs

The delayed costs include the amount to secure a sanitary control easement covering all property within 150 feet of the well, calculated from the date of the investigation initially 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 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(3)
Violation Description Failed to provide the pressure tank with a device to readily determine air-water-volume and failed to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank. Specifically, at the time of the record review, it was noted that the pressure tank at the Enchanted Oaks Plant did not have a sight glass to monitor the air-water-volume nor was there an in-line filter or other device installed to prevent compressor lubricants or other contaminants from entering the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to equip the pressure tank with a sanitary means to determine air-water-volume could result in the tank becoming water-logged due to insufficient air volume thereby leading to water shortages which could expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 68 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the record review, October 10, 2008, to the date of screening, December 17, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$13 Violation Final Penalty Total \$129

This violation Final Assessed Penalty (adjusted for limits) \$129

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	11-Jun-2008	1-Sep-2009	1.22	\$1	\$12	\$13
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to equip the pressure tank with a device to monitor the air-water-volume and an in-line filter to prevent compressor lubricants from contaminating the water, calculated from the date of the investigation initially 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

\$150

TOTAL

\$13

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
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Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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	11-Jun-2008	1-Sep-2009	1.22	\$0	\$4	\$4
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide the pressure tank at the Enchanted Oaks Plant with a pressure release device, calculated from the date of the investigation initially 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

\$50

TOTAL

\$4

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv)

Violation Description
 Failed to provide a total pressure tank capacity of 20 gallons per connection. Specifically, at the time of the record review, it was documented that the Facility should be providing a total pressure tank capacity of 2,640 gallons with 132 connections. However, the Facility is currently providing a total pressure tank capacity of 2,400 gallons, which is 9% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent 5%
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0%

Matrix Notes
 Failure to provide adequate pressure tank capacity could result in water shortages which could expose consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 68 Number of violation days

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

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$171 **Violation Final Penalty Total** \$65

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

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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	\$2,000	11-Jun-2008	1-Sep-2009	1.22	\$8	\$163	\$171
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 amount to install additional pressure tank capacity, calculated from the date of the investigation initially 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

\$2,000

TOTAL

\$171

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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	\$56,760	1-Jun-2008	1-Oct-2009	1.33	\$252	\$5,049	\$5,301
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide adequate storage capacity (at a rate of \$2.15 per gallon), calculated from the date of the investigation initially 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

\$56,760

TOTAL

\$5,301

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	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" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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
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No commas or \$

Delayed Costs

Equipment	\$2,500	11-Jun-2008	1-Oct-2009	1.31	\$11	\$218	\$229
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 amount to provide adequate service pump capacity, calculated from the date of the investigation initially 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

\$2,500

TOTAL

\$229

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i)

Violation Description
 Failed to provide a well capacity of 0.6 gpm per connection. Specifically, at the time of the record review, it was documented that the Facility should be providing a well capacity of 79.2 gpm with 132 connections. However, the Facility is currently providing a well capacity of 62 gpm, which is 22% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual	Potential	x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
Actual	Potential	x	0%	

Matrix Notes
 Failure to provide adequate well capacity could result in water outages which could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

1 68 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the record review, October 10, 2008, to the date of screening, December 17, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$915 **Violation Final Penalty Total** \$129

This violation Final Assessed Penalty (adjusted for limits) \$129

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	11-Jun-2008	1-Oct-2009	1.31	\$44	\$871	\$915
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 amount to provide additional well capacity, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$915

Screening Date 17-Dec-2008 **Docket No.** 2007-1869-PWS-E **PCW**
Respondent Jeannette Smith Raines dba Yegua Water System *Policy Revision 2 (September 2002)*
Case ID No. 34976 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101271591
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="10%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jeannette Smith Raines dba Yegua Water System
Case ID No. 34976
Reg. Ent. Reference No. RN101271591
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
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)	\$200	5-Sep-2007	6-Sep-2007	0.00	\$0	\$200	\$200

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and increase in chlorine dosage that could have prevented the low chlorine residual level, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$200

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603450594 Jeannette Smith Raines	Classification:	Rating:
Regulated Entity:	RN101271591 YEGUA WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0260039 0260039
Location:	INTX OF PARK RD 57 AND BIG BERRY RD, SOMERVILLE, BURLESON COUNTY, TX		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	March 04, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 04, 2004 to March 04, 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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? Jeannette Smith Raines
4. If Yes, who was/were the prior owner(s)? Dante Carlomagno and Glenda Carlomagno
5. When did the change(s) in ownership occur? 01/24/2007

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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 | 02/21/2008 | (618378) |
| 2 | 04/04/2008 | (639807) |
| 3 | 08/22/2008 | (681960) |
| 4 | 10/22/2008 | (704538) |

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

Date: 07/14/2006 (460150)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of at least 35 psi in the distribution system under normal operating conditions.

Date: 08/09/2007 (571653)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.

Date: 02/04/2008 (614572)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain the distribution system line in a watertight condition.
Date: 08/28/2008 (681960)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failure to plug the abandoned public water supply well at the Wilderness Sound Plant.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
 Description: Failure to inspect the interior of the pressure tank at least once every five years.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to provide a sanitary easement at the time of this investigation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
 Description: Failure to equip the pressure tank with some sanitary means of determining the air-to-water ratio and failure to equip the pressure tank with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
 Description: Failure to provide all pressure tanks with a pressure release device.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
 Description: Failure to provide adequate well capacity.
Date: 08/29/2008 (681960)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)
 Description: Failure to provide adequate pressure tank capacity.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
 Description: Failure to provide adequate ground storage / total storage capacity.
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
 Description: Failure to provide adequate service pump capacity.

- 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	§	TEXAS COMMISSION ON
JEANNETTE SMITH RAINES DBA	§	
YEGUA WATER SYSTEM;	§	ENVIRONMENTAL QUALITY
RN101271591	§	

AGREED ORDER
DOCKET NO. 2007-1869-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Jeannette Smith Raines dba Yegua Water System (“Ms. Raines”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Raines appear before the Commission and together stipulate that:

1. At the time of the investigations, Ms. Raines owned a public water system at the intersection of Park Road 57 and Big Berry Road in Somerville, Burtleson County, Texas (the “Facility”). The Facility provides water for human consumption, has approximately 132 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). The Facility has two distribution systems – the Wilderness Sound Plant and the Enchanted Oaks Plant.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Ms. Raines agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Raines is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Raines of any violation alleged in Section II (“Allegations”), nor of any statute or rule.

5. An administrative penalty in the amount of four thousand one hundred thirty-eight dollars (\$4,138.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Ms. Raines paid one hundred thirty-eight dollars (\$138.00) of the administrative penalty. The remaining amount of four thousand dollars (\$4,000.00) of the administrative penalty shall be payable in 40 monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Ms. Raines fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Ms. Raines’ failure to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Raines to timely and satisfactorily comply with all of 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 Ms. Raines agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Ms. Raines no longer owns the Facility.
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 Ms. Raines 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

1. During an investigation conducted at the Wilderness Sound Plant on September 5, 2007, a TCEQ Waco Regional Office investigator documented that Ms. Raines violated 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing

to maintain a free chlorine residual of at least 0.20 milligrams per liter (“mg/L”) throughout the distribution system at all times. Specifically, a field test revealed a free chlorine residual level of 0.02 mg/L.

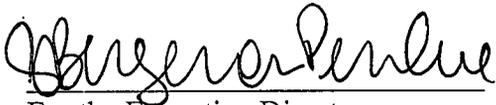
2. During an investigation conducted at the Enchanted Oaks Plant on June 11, 2008, and a record review conducted on October 10, 2008, a TCEQ Waco Regional Office investigator documented that Ms. Raines violated:
 - a. 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) by failing to inspect the interior surface of the pressure tank at least once every five years. Specifically, the Facility was using two pressure tanks, neither one of which had their interior inspected in the past five years.
 - b. 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) by failing to provide a sanitary control easement for the Facility’s water well.
 - c. 30 TEX. ADMIN. CODE § 290.43(d)(3) by failing to provide the pressure tank with a device to readily determine air-water-volume, and failing to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank. Specifically, the pressure tank did not have a sight glass to monitor the air-water-volume, nor was there an in-line filter or other device installed to prevent compressor lubricants or other contaminants from entering the pressure tank.
 - d. 30 TEX. ADMIN. CODE § 290.43(d)(2) by failing to provide all pressure tanks with a pressure release device. Specifically, the pressure tank did not have a pressure release device.
 - e. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) by failing to provide a total pressure tank capacity of 20 gallons per connection. Specifically, the Facility should be providing a total pressure tank capacity of 2,640 gallons with 132 connections. However, the Facility is currently providing a total pressure tank capacity of 2,400 gallons, which is 9% deficient.
 - f. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) by failing to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility should be providing a total storage capacity of 26,400 gallons with 132 connections. However, the Facility currently does not have any operational ground storage capacity, which is 100% deficient.

3. 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 Ms. Raines shall be made in writing to the Executive Director. Extensions are not effective until Ms. Raines receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director
4. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Raines 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.
5. 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.
6. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Ms. Raines, or three days after the date on which the Commission mails notice of this Agreed Order to Ms. Raines, 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



For the Executive Director

4/14/2010

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Ms. Raines' compliance history;
- Greater scrutiny of any permit applications submitted by Ms. Raines;
- 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 against Ms. Raines;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Ms. Raines; and
- TCEQ seeking other relief as authorized by law.

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



Signature

1-26-10

Date

Jeannette Raines

Name (Printed or typed)

Title

Authorized representative of
Jeannette Smith Raines dba
Yegua Water System