

Consumers Water Inc.

RN101275287; RN101251627; RN101257301; RN101260255;
RN101231975; RN101217552; RN101230282; RN101201127
Docket No. 2011-0501-UTL-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

UTL

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1. Intersection of Greenlake Drive and Greengate Drive, KEY Map 291R on the Harris County Appraisal District, Spring, Harris County
2. Greenbow Lane, KEY Map 459H on the Harris County Appraisal District, Highlands, Harris County
3. 10424 Braemer Street, Crosby, Harris County
4. Intersection of Loggins Lane and Desirable Lane, KEY Map 339E on Harris County Appraisal District, Huffman, Harris County
5. Intersection of East Sam Houston Parkway North and Meadowlake Court, KEY Map 417X on Harris County Appraisal District, Houston, Harris County
6. Marilyn Lane off Farm-to-Market Road 2920, KEY Map 292S, Spring, Harris County
7. Tall Cedar Drive, KEY Map 379P on Harris County Appraisal District, Crosby, Harris County
8. Urban Drive, KEY Map 415M on Harris County Appraisal District, Houston, Harris County

Type of Operation:

public water systems

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: September 30, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$10,946

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$10,946

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Consumers Water Inc.

RN101275287; RN101251627; RN101257301; RN101260255;

RN101231975; RN101217552; RN101230282; RN101201127

Docket No. 2011-0501-UTL-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 21, 2011
Date(s) of NOV(s): See Compliance Histories
Date(s) of NOE(s): March 21, 2011

Violation Information

Failed to adopt and submit to the Executive Director for approval by the extension due date of May 30, 2010, adoptable emergency preparedness plans ("EPP") that demonstrate the Facilities' ability to provide emergency operations [TEX. WATER CODE § 13.1395(b)(2) and 30 TEX. ADMIN. CODE §§ 290.39(o)(1), 291.162(a), and 291.162(j)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days submit to the Executive Director for approval adoptable EPPs for the Facilities. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the EPPs within 30 days after the date of such requests, or by any other deadline specified in writing.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: August 1, 2011
Date(s) Green Card(s) Signed: August 5, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Epifanio Villareal, Water Enforcement Section, (361) 825-3425

TCEQ Regional Contact: Stephen Smith, Houston Regional Office, (713) 767-3581

Respondent: Mitchell Martin, Jr., President, Consumers Water Inc., P.O. Box 1383, Spring, Texas 77383

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Greengate Acres Subdivision)					
Reg. Ent. Ref. No.	RN101275287					
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	7.0% Enhancement	Subtotals 2, 3, & 7	\$87
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Notes: Enhancement for one same/similar NOV and one dissimilar NOV.

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	\$23
Approx. Cost of Compliance	\$328

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,337
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,337
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,337
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,337
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Greengate Acres Subd

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275287

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History *Site Enhancement (Subtotal 2)*

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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) 7%

>> 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 for one same/similar NOV and one dissimilar NOV.

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

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Greengate Acres Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101275287

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,338

This violation Final Assessed Penalty (adjusted for limits) \$1,338

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Greengate Acres Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101275287
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Highland Mobile Home Subdivision)					
Reg. Ent. Ref. No.	RN101251627					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$62
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Notes: Enhancement for one same/similar NOV.

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: \$23
 Approx. Cost of Compliance: \$328
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,312
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,312
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,312
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,312
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Highland Mobile Home

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101251627

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one same/similar NOV.

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

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Highland Mobile Home Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101251627

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

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

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Highland Mobile Home Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101251627
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	CONSUMERS WATER INC. (Highland Ridge Subdivision)
Reg. Ent. Ref. No.	RN101257301
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	41405	No. of Violations	1
Docket No.	2011-0501-UTL-E	Order Type	1660
Media Program(s)	Public Water Utilities	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	7.0% Enhancement	Subtotals 2, 3, & 7	\$87
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Notes: Enhancement for one same/similar NOV and one dissimilar NOV.

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: \$23
 Approx. Cost of Compliance: \$328
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,337
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,337

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,337
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,337
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Highland Ridge Subdiv

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101257301

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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) 7%

>> 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 for one same/similar NOV and one dissimilar NOV.

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

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Highland Ridge Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101257301

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,338

This violation Final Assessed Penalty (adjusted for limits) \$1,338

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Highland Ridge Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101257301
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Huffman Heights Subdivision)					
Reg. Ent. Ref. No.	RN101260255					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$62
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Notes	Enhancement for one same/similar NOV.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$328	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,312
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,312
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,312
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$1,312
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Huffman Heights Subc

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101260255

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one same/similar NOV.

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

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Huffman Heights Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101260255

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

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

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,313

This violation Final Assessed Penalty (adjusted for limits) \$1,313

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Huffman Heights Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101260255
Media Public Water Utilities
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
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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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Meadowlake Estates)					
Reg. Ent. Ref. No.	RN101231975					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	7.0% Enhancement	Subtotals 2, 3, & 7	\$87
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Notes	Enhancement for one same/similar NOV and one dissimilar NOV.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$328	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,337
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,337
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,337
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$1,337
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Meadowlake Estates)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101231975

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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) 7%

>> 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 for one same/similar NOV and one dissimilar NOV.

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

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Meadowlake Estates)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101231975

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,338

This violation Final Assessed Penalty (adjusted for limits) \$1,338

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Meadowlake Estates)
Case ID No. 41405
Req. Ent. Reference No. RN101231975
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION			
Respondent	CONSUMERS WATER INC. (Springmont Subdivision)		
Reg. Ent. Ref. No.	RN101217552		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	41405	No. of Violations	1
Docket No.	2011-0501-UTL-E	Order Type	1660
Media Program(s)	Public Water Utilities	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	9.0% Enhancement	Subtotals 2, 3, & 7	\$112
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Notes: Enhancement for one same/similar NOV 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: \$23
 Approx. Cost of Compliance: \$328
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,362
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,362

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,362
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,362
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Springmont Subdivisic

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217552

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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) 9%

>> 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 for one same/similar NOV and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Springmont Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217552

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
Notes	100% of the rule requirement was not met.				

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

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

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Springmont Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101217552
Media Public Water Utilities
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
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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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Tall Cedars Mobile Home Subdivision)					
Reg. Ent. Ref. No.	RN101230282					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	27.0% Enhancement	Subtotals 2, 3, & 7	\$337
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Notes: Enhancement for one same/similar NOV, one dissimilar NOV, and one order with denial.

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: \$23
 Approx. Cost of Compliance: \$328
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,587
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,587
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,587
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,587
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Tall Cedars Mobile Hor

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101230282

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> 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 for one same/similar NOV, one dissimilar NOV, and one order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Tall Cedars Mobile Home Subdivisio

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101230282

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,588

This violation Final Assessed Penalty (adjusted for limits) \$1,588

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Tall Cedars Mobile Home Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101230282
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	30-Mar-2011	EPA Due	
	PCW	27-Jun-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	CONSUMERS WATER INC. (Urban Acres Subdivision)					
Reg. Ent. Ref. No.	RN101201127					
Facility/Site Region	12-Houston	Major/Minor Source	Major			

CASE INFORMATION						
Enf./Case ID No.	41405	No. of Violations	1			
Docket No.	2011-0501-UTL-E	Order Type	1660			
Media Program(s)	Public Water Utilities	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Epifanio Villarreal			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$500			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	9.0% Enhancement	Subtotals 2, 3, & 7	\$112
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Notes	Enhancement for one same/similar NOV and two dissimilar NOVs.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$328	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,362
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,362
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,362
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$1,362
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Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Urban Acres Subdivisi

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101201127

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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) 9%

>> 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 for one same/similar NOV and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 30-Mar-2011

Docket No. 2011-0501-UTL-E

PCW

Respondent CONSUMERS WATER INC. (Urban Acres Subdivision)

Policy Revision 2 (September 2002)

Case ID No. 41405

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101201127

Media [Statute] Public Water Utilities

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(o)(1) and 291.162(a) and (j) and Tex. Water Code § 13.1395(b)(2)

Violation Description Failed to submit to the Executive Director for approval by the extension due date of May 30, 2010, an adoptable emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%
100% of the rule requirement was not met.					

Adjustment \$375

\$125

Violation Events

Number of Violation Events 10 304 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

Ten monthly events are recommended, calculated from the extension date the EPP was due, May 30, 2010, to the date of screening, March 30, 2011.

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$1,363

This violation Final Assessed Penalty (adjusted for limits) \$1,363

Economic Benefit Worksheet

Respondent CONSUMERS WATER INC. (Urban Acres Subdivision)
Case ID No. 41405
Req. Ent. Reference No. RN101201127
Media Public Water Utilities
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)	\$328	30-May-2010	1-Nov-2011	1.42	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount (\$41/hr labor and administrative cost x 8 hours) to develop and submit an adoptable EPP. Date required is the date the plan was due. Final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$328

TOTAL

\$23

Compliance History

Customer/Respondent/Owner-Operator: CN600633853 Consumers Water Inc. Classification: Rating:
 Regulated Entity: RN101275287 GREENGATE ACRES SUBDIVISION Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010132
 WATER LICENSING LICENSE 1010132

Location: Greenlake Drive & Greengate Drive, Harris County, Texas
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: March 30, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 30, 2006 to March 30, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
 Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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 | 08/04/2008 | (685240) | |
| 2 | 02/18/2011 | (899475) | |
| 3 | 03/21/2011 | (907512) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 07/28/2008 (685240)**
- CN600633853
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)
- Description: Failure to design the inlet and outlet on the ground storage tank to prevent short circuiting.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)
- Description: Failure to ensure that steel reinforced pipe on the pressure tank discharge meets NSF Standard 61.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)
- Description: Failure to provide well capacity of 0.6 gallons per minute per connection.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(1)
- Description: Failure to maintain adequate disinfectant residual throughout the water distribution system.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
- Description: Failure to maintain operating pressure of at least 35 pounds psi throughout the water distribution system.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
- Description: Failure to post a legible sign at each of Respondent's water system facilities.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
- Description: Failure to plug an abandoned well.
- Date: 02/18/2011 (899475) CN600633853**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.39(o)(1)
- Description: Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations.
- 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

Customer/Respondent/Owner-Operator: CN600633853 Consumers Water Inc. Classification: Rating:

Regulated Entity: RN101251627 HIGHLAND MOBILE HOME SUBDIVISION Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010285
 WATER LICENSING LICENSE 1010285

Location: GREENBOW LANE, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 30, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 30, 2006 to March 30, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

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

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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	02/17/2011	(899029)
2	03/21/2011	(907248)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/17/2011	(899029)	CN600633853
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(o)(1)		
Description:	Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations.		
 - 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

Customer/Respondent/Owner-Operator: CN600633853 Consumers Water Inc. Classification: Rating:
 Regulated Entity: RN101257301 HIGHLAND RIDGE SUBDIVISION Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010157
 WATER LICENSING LICENSE 1010157
 Location: 10424 Braemer Street, Harris County, Texas
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: March 30, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 30, 2006 to March 30, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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 | 06/12/2008 | (653848) | |
| 2 | 02/17/2011 | (896037) | |
| 3 | 03/21/2011 | (907374) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|--|----------|-------------|--------------------------|
| Date: | 06/13/2008 | (653848) | CN600633853 | |
| Self Report? | NO | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 291, SubChapter F 291.93(3) | | | |
| Description: | Failure, by a retail public utility that possesses a certificate of public convenience and necessity that has reached 92% of well and 92% of ground storage tank capacities. | | | |
-
- | | | | | |
|--------------|---|----------|-------------|--------------------------|
| Date: | 02/17/2011 | (896037) | CN600633853 | |
| Self Report? | NO | | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(o)(1) | | | |
| Description: | Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations. | | | |
- 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

Customer/Respondent/Owner-Operator:	CN600633853 Consumers Water Inc.	Classification:	Rating:
Regulated Entity:	RN101260255 HUFFMAN HEIGHTS SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1010700 1010700
Location:	Loggins Lane & Desirable Lane, Harris County, Texas		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 30, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 30, 2006 to March 30, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name:	Epi Villarreal Phone: (361) 825-3425		

Site Compliance History Components

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

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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	08/30/2006	(510178)
2	02/18/2011	(899139)
3	03/21/2011	(907506)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/18/2011	(899139)	CN600633853	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(o)(1)			
Description:	Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations.			
- 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

Customer/Respondent/Owner-Operator: CN600633853 Consumers Water Inc. Classification: Rating:
 Regulated Entity: RN101231975 MEADOWLAKE ESTATES Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010287
 WATER LICENSING LICENSE 1010287
 Location: East Sam Houston Parkway North & Meadowlake Court, Harris County, Texas
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: March 30, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 30, 2006 to March 30, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

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|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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 | 08/25/2006 | (487508) | |
| 2 | 10/23/2009 | (764291) | |
| 3 | 02/17/2011 | (896566) | |
| 4 | 03/21/2011 | (907224) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|---|-----------------|--------------------|----------|
| Date: | 08/24/2006 | (487508) | CN600633853 | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)(4) | | | |
| Description: | Failure to repair leaking service pump #3. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | | |
| Description: | Failure to repair broken fence at the entrance. | | | |
| Date: | 02/17/2011 | (896566) | CN600633853 | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(o)(1) | | | |
| Description: | Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations. | | | |
- 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

Customer/Respondent/Owner-Operator:	CN600633853 Consumers Water Inc.	Classification:	Rating:
Regulated Entity:	RN101217552 SPRINGMONT SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1010255 1010255
Location:	Marilynn Lane off of Farm-to-Market 2920, Harris County, Texas		
TCEQ Region:	REGION 12 – HOUSTON		
Date Compliance History Prepared:	March 30, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 30, 2006 to March 30, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Epi Villarreal	Phone:	(361) 825-3425

Site Compliance History Components

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|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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 | 10/30/2009 | (767992) | |
| 2 | 02/17/2011 | (896017) | |
| 3 | 03/21/2011 | (907230) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|--------------------|----------|
| Date: | 08/31/2009 (767992) | CN600633853 | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B) | | |
| Description: | Failure to provide well casing that extends to a point 18 inches above the natural ground surface. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(d)(3) | | |
| Description: | Failure to equip a pressure tank with a device for determining air-to-water ratio. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(t) | | |
| Description: | Failure to repair a flow meter on a well so as to properly maintain water storage facilities. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(t) | | |
| Description: | Failure to maintain water storage facilities in a water tight condition. | | |
| Date: | 10/28/2009 (767992) | CN600633853 | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1) | | |
| Description: | Failure to provide well capacity of 0.6 gallons per minute per connection. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv) | | |
| Description: | Failure to provide minimum pressure tank capacity of 20 gallons per connection. | | |
| Date: | 02/17/2011 (896017) | CN600633853 | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(o)(1) | | |
| Description: | Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations. | | |
- 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

Customer/Respondent/Owner-Operator:	CN600633853	Consumers Water Inc.	Classification:	Rating:
Regulated Entity:	RN101230282	TALL CEDARS MOBILE HOME SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1010219
	WATER LICENSING	LICENSE		1010219
Location:	TALL CEDAR DRIVE, HARRIS COUNTY, TEXAS			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	March 30, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 30, 2006 to March 30, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:				
Name:	Epi Villarreal	Phone:	(361) 825-3425	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
Effective Date: 12/18/2009 ADMINORDER 2009-1030-PWS-E
- Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failed to provide a total storage capacity of 200 gallons per connection.
 - Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failed to provide a total service pump capacity of 2.0 gallons per minute ("gpm") per connection.
- 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 | 08/30/2006 | (489186) |
| 2 | 06/17/2009 | (701542) |
| 3 | 02/17/2011 | (897928) |
| 4 | 03/21/2011 | (907397) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|--------------|----------------------------|--------------------|
| Date: | 08/30/2006 (489186) | CN600633853 |
|--------------|----------------------------|--------------------|
- Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 - Description: Failure to compile and maintain a plant operations manual for operator review and reference.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
 - Description: Failure by a community public water system that uses purchased water or groundwater sources only to submit a Disinfectant Level Quarterly Operating Report (DL QOR).
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.121
 - Description: Failure to provide a completed monitoring plan.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 - Description: Failure to properly maintain the regulated entity by not cutting the grass and weeds along the fence line.
- | | | |
|--------------|----------------------------|--------------------|
| Date: | 02/17/2011 (897928) | CN600633853 |
|--------------|----------------------------|--------------------|
- Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.39(o)(1)
 - Description: Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations.
- 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

Customer/Respondent/Owner-Operator:	CN600633853 Consumers Water Inc.	Classification:	Rating:
Regulated Entity:	RN101201127 URBAN ACRES SUBDIVISION	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1010252
	WATER LICENSING LICENSE		1010252
Location:	URBAN DRIVE, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 30, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 30, 2006 to March 30, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:			
Name:	Epi Villarreal	Phone:	(361) 825-3425

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court 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 | 08/23/2006 | (487518) | |
| 2 | 10/26/2009 | (777073) | |
| 3 | 02/17/2011 | (896093) | |
| 4 | 03/21/2011 | (907219) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | | |
|--------------|---|----------|-----------------|----------|
| Date: | 08/22/2006 | (487518) | CN600633853 | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(d)(7) | | | |
| Description: | Failure to maintain pressure tank tight against leakage. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) | | | |
| Description: | Failure to provide screen for casing vent. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | | |
| Description: | Failure to repair hole in fence at entrance. | | | |
| Date: | 10/26/2009 | (777073) | CN600633853 | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B) | | | |
| Description: | Failure to inspect the exterior of the pressure tank. | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A) | | | |
| Description: | Failure to inspect the interior and exterior ground storage tank at least annually. | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | | |
| Description: | Failure to properly maintain the regulated entity by not repairing or replacing the rusted ground storage tank and pressure tank. | | | |
| Date: | 02/17/2011 | (896093) | CN600633853 | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.39(o)(1) | | | |
| Description: | Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations. | | | |
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONSUMERS WATER INC.;
RN101275287; RN101251627;
RN101257301; RN101260255;
RN101231975; RN101217552;
RN101230282; RN101201127**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0501-UTL-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Consumers Water Inc. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates, for compensation, public water systems at the following locations (collectively the "Facilities"):
 - a. Intersection of Greenlake Drive and Greengate Drive, KEY Map 291R on the Harris County Appraisal District, in Spring, Harris County, Texas ("Greengate Acres Subdivision"). Greengate Acres Subdivision has approximately 99 service connections;
 - b. Greenbow Lane, KEY Map 459H on the Harris County Appraisal District, in Highlands, Harris County, Texas ("Highland Mobile Home Division"). Highland Mobile Home Division has approximately 20 service connections;
 - c. 10424 Braemer Street in Crosby, Harris County, Texas ("Highland Ridge Subdivision"). Highland Ridge Subdivision has approximately 188 service connections;
 - d. Intersection of Loggins Lane and Desirable Lane, KEY Map 339E on Harris County Appraisal District, in Huffman, Harris County, Texas ("Huffman Heights Subdivision"). Huffman Heights Subdivision has approximately 110 service connections;
 - e. Intersection of East Sam Houston Parkway North and Meadowlake Court, KEY Map 417X on Harris County Appraisal District, in Houston, Harris County, Texas ("Meadowlake Estates"). Meadowlake Estates has approximately 195 service connections;

- f. Marilyn Lane off Farm-to-Market Road 2920, KEY Map 292S, in Spring, Harris County, Texas ("Springmont Subdivision"). Springmont Subdivision has approximately 172 service connections;
 - g. Tall Cedar Drive, KEY Map 379P on Harris County Appraisal District, in Crosby, Harris County, Texas ("Tall Cedars Mobile Home Subdivision"). Tall Cedars Mobile Home Subdivision has approximately 56 service connections; and
 - h. Urban Drive, KEY Map 415M on Harris County Appraisal District, in Houston, Harris County, Texas ("Urban Acres Subdivision"). Urban Acres Subdivision has approximately 144 service connections.
2. The Facilities provide water for human consumption and serve at least 25 people per day for at least 60 days per year. As such, the Facilities are public water systems as defined in 30 TEX. ADMIN. CODE § 290.38(66). Respondent operates the Facilities for the transmission, storage, distribution, sale or provision of potable water to the public or for the resale of potable water to the public for any use. Therefore, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13 and TEX. HEALTH & SAFETY CODE ch. 341.
 3. During a record review conducted on March 21, 2011, a TCEQ Central Office investigator documented that Respondent failed to adopt and submit to the Executive Director for approval by the extension due date of May 30, 2010, adoptable emergency preparedness plans ("EPPs") that demonstrate the Facilities' ability to provide emergency operations.
 4. Respondent received notice of the violations on or about March 26, 2011.
 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Consumers Water Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on August 1, 2011.
 6. By letter dated August 1, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on August 5, 2011, as evidenced by the signature on the card.
 7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Respondent is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Respondent failed to adopt and submit to the Executive Director for approval by the extension due date of May 30, 2010, adoptable EPPs that demonstrate the Facilities' ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1395(b)(2) and 30 TEX. ADMIN. CODE §§ 290.39(o)(1), 291.162(a), and 291.162(j).
3. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of ten thousand nine hundred forty-six dollars (\$10,946.00) is justified by the facts recited in this Order, and considered in light of the factors set forth TEX. WATER CODE § 13.4151.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of ten thousand nine hundred forty-six dollars (\$10,946.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Consumers Water Inc.; Docket No. 2011-0501-UTL-E" to:

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

3. Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Respondent shall submit to the Executive Director for approval adoptable EPPs for the Facilities in accordance with 30 TEX. ADMIN. CODE § 290. 39(o), using the template in 30 TEX. ADMIN. CODE § 290.47 or another EPP that meets the requirements of 30 TEX. ADMIN. CODE § 290.45. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the EPPs within 30 days after the date of such requests, or by any other deadline specified by TCEQ in writing. The EPPs shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Respondent shall 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.a. 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:

Stephen Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

"My name is Peipey Tang. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Consumers Water Inc." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on August 1, 2011.

The EDPRP was mailed to Respondent's last known address on August 1, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on August 5, 2011, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Peipey Tang
Peipey Tang, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 8th day of September, A.D. 2011.

Margaret Jackson
Notary Signature

