

Executive Summary – Enforcement Matter – Case No. 41510
SAVS Investments, Inc. d/b/a Friday's General Store
RN104711163
Docket No. 2011-0635-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
No

Location(s) Where Violation(s) Occurred:
7678 East US Highway 290, Johnson City, Blanco County

Type of Operation:
convenience store with public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	The past-due fees were paid October 19, 2011.
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 14, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$2,597
Amount Deferred for Expedited Settlement:	N/A
Amount Deferred for Financial Inability to Pay:	N/A
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$2,597

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 27, 2010; February 16, 2011
Date(s) of NOV(s): August 31, 2010
Date(s) of NOE(s): April 7, 2011

Violation Information

1. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].
2. Failed to submit engineering plans and specifications and obtain Commission approval prior to the construction of a new water system [TEX. HEALTH & SAFETY CODE § 341.035(a) and 30 TEX. ADMIN. CODE § 290.39(c), (e)(1) and (h)(1)].
3. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].
4. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
5. Failed to provide a minimum pressure tank capacity of 220 gallons [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii)].
6. Failed to submit well completion data to the Commission for review and approval prior to placing the well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
7. Failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Immediately,
 - a. Begin operating the disinfection equipment to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times; and
 - b. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days.
2. Within 30 days, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90160028.
3. Within 180 days:
 - a. Provide a minimum pressure tank capacity of 220 gallons; and
 - b. Submit accurate, up-to-date as-built plans and specifications prepared under the direction of a licensed professional engineer for the Facility.

Executive Summary – Enforcement Matter – Case No. 41510
SAVS Investments, Inc. d/b/a Friday's General Store
RN104711163
Docket No. 2011-0635-PWS-E

4. Submit written certification and supporting documentation to demonstrate compliance:
- a. Within 30 days for Technical Requirement No. 1.
 - b. Within 45 days for Technical Requirement No. 2.
 - c. Within 190 days for Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: July 11, 2011
Date(s) Green Card(s) Signed: July 13, 2011
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Phillip M. Goodwin, P.G., Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Andrea Linson-Mgbeoduru, Waste Enforcement Section,
(512) 239-1482

TCEQ Regional Contact: Barry Kalda, Austin Regional Office, (512) 339-2929

Respondent: Aruna Kumari Neerukonda, President, SAVS Investments, Inc., 9201 Evening Primrose
Path, Austin, Texas 78750

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	18-Apr-2011	Screening	18-Apr-2011	EPA Due	
	PCW	18-Apr-2011				

RESPONDENT/FACILITY INFORMATION						
Respondent	SAVS Investments, Inc. dba Friday's General Store					
Reg. Ent. Ref. No.	RN104711163					
Facility/Site Region	11-Austin	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	41510	No. of Violations	6			
Docket No.	2011-0635-PWS-E	Order Type	1660			
Media Program(s)	Public Water Supply	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Kelly Wisian			
		EC's Team	Enforcement Team 2			
Admin. Penalty \$ Limit	Minimum	\$50	Maximum	\$1,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,550
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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	41.0% Enhancement	Subtotals 2, 3, & 7	\$635
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Notes	Enhancement for one NOV with the same violations, eight NOVs with dissimilar violations, and one prior order without a denial.		
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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	\$1,338	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,820	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,185
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OTHER FACTORS AS JUSTICE MAY REQUIRE	18.9%	Adjustment	\$412
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for the recovery of avoided costs of compliance for violation Nos. 2 and 3.		
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Final Penalty Amount	\$2,597
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,597
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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	\$2,597
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Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Stor

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

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	8	16%
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) 41%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same violations, eight NOVs with dissimilar violations, and one prior order without a denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 41%

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(e)(1) and (h)(1) and (c), and Tex. Health & Safety Code § 341.035(a)

Violation Description Failed to submit engineering plans and specifications and obtain Commission approval prior to the construction of a new water system. Specifically, at the time of the investigation, it was noted that a new well was drilled on June 8, 2010, two new pressure tanks and a hypochlorination system were installed prior to Commission approval.

Base Penalty \$1,000

>> 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 requirements were not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$842

Violation Final Penalty Total \$168

This violation Final Assessed Penalty (adjusted for limits) \$168

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	16-Feb-2011	30-Apr-2012	1.20	\$40	\$802	\$842
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and submit as-built plans and specifications by a professional engineer, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$842

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on August 27, 2010, the chlorine residual measured at the Facility's kitchen sink, handwashing sink, and the ladies' restroom sink revealed a chlorine residual of 0.00 mg/L. On February 16, 2011, the chlorine residual measured at the Facility's handwashing sink revealed a chlorine residual of 0.0 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to maintain adequate disinfection residuals could expose customers of the Facility to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$321

Violation Final Penalty Total \$838

This violation Final Assessed Penalty (adjusted for limits) \$838

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	27-Aug-2010	16-Feb-2011	1.39	\$21	\$300	\$321
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for maintenance, oversight and chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated for the dates the violation occurred.

Approx. Cost of Compliance \$300

TOTAL \$321

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(c)(4)(A)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes: Failing to monitor the disinfectant residual at representative locations throughout the distribution system may allow a wide range of pathogens that can cause illness to go undetected; thereby, exposing customers to significant amounts of undetected contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3, Number of violation days 61

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$750

Three monthly events are recommended calculated from the date of the investigation, February 16, 2011, to the date of screening, April 18, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$1,257

This violation Final Assessed Penalty (adjusted for limits) \$1,257

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$520	16-Feb-2011	18-Apr-2011	0.17	\$4	\$87	\$91
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$520

TOTAL \$91

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, on the date of the investigation, the pressure tank was found to have a total capacity of 170 gallons, which is a 23% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
Failure to have sufficient pressure tank capacity could result in water outages or low pressure which would result in exposure of the employees of the Facility to significant amounts of contaminants, which would not exceed levels protective of human health.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 61 Number of violation days

mark only one with an x	daily		Violation Base Penalty \$100
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended, calculated from the date of the investigation, February 16, 2011, to the date of case screening, April 18, 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$168

This violation Final Assessed Penalty (adjusted for limits) \$168

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	16-Feb-2011	30-Apr-2012	1.20	\$4	\$80	\$84
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to increase the pressure tank capacity to a minimum of 220 total gallons, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$84

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description Failed to submit well completion data to the Commission for review and approval prior to placing the well into service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR Release Actual Potential Major Moderate Minor Harm Percent 0%

>> Programmatic Matrix

Falsification Major Moderate Minor Matrix Notes 100% of the rule requirements were not met. Percent 10%

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 61 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary Ordinary N/A (mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$168

This violation Final Assessed Penalty (adjusted for limits) \$168

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs for this violation are captured in the economic benefit for violation no. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 18-Apr-2011

Docket No. 2011-0635-PWS-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store

Policy Revision 2 (September 2002)

Case ID No. 41510

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Kelly Wisian

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Violation Description Failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%). Matrix Notes section below.

Adjustment \$1,000

\$0

Violation Events

Form for Violation Events including frequency selection (daily, weekly, monthly, quarterly, semiannual, annual, single event) and violation days.

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

Form for Good Faith Efforts to Comply with a 0.0% reduction and notes section.

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Req. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN603679143 SAVS Investments, Inc. Classification: AVERAGE Rating: 3.01
Regulated Entity: RN104711163 Friday's General Store Classification: AVERAGE Site Rating: 3.01
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 69483
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0160028
Location: 7678 EAST UNITED STATES HIGHWAY 290, JOHNSON CITY, BLANCO COUNTY, TEXAS
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: April 18, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 18, 2006 to April 18, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Kelly Wisian Phone: (512) 239-2570

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? Yes
3. If Yes, who is the current owner/operator? Savs Investments, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)?
OWN FREITAG, BOYD R
OPR FREITAG, ADAM
5. When did the change(s) in owner or operator occur? 11/01/2009
6. Rating Date: 9/1/2010

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: 02/08/2009

ADMINORDER 2008-1391-PWS-E

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.46(a)
5A THSC Chapter 341, SubChapter A 341.035(a)

Description: Failed to have approval for the rainwater collection system (surface water source) and the groundwater system prior to construction and use.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 11/07/2007 (599778)
2 07/25/2008 (685668)
3 08/31/2010 (850320)
4 09/13/2010 (863368)
5 09/22/2010 (863422)
6 09/22/2010 (863435)
7 09/22/2010 (863442)
8 09/22/2010 (863445)
9 09/22/2010 (863448)
10 09/22/2010 (863454)
11 09/22/2010 (863460)
12 09/24/2010 (865013)
13 04/11/2011 (905966)

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

1. Date: 01/26/2010 (863368) CN603679143
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 12/2009 Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 12/2009 Failure to post public notice for not collecting any routine monitoring sample(s).
2. Date: 03/16/2010 (863422) CN603679143
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine Monitoring Violation 01/2010 Failure to collect any routine monitoring sample(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: TCR PN Routine Monitoring Violation 01/2010 Failure to post public notice for not collecting any routine monitoring sample(s).
3. Date: 03/29/2010 (863435) CN603679143
Self Report? NO Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: TCR Routine Monitoring Violation 02/2010 Failure to collect any routine monitoring sample(s).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
- Description: TCR PN Routine Monitoring Violation 02/2010 Failure to post public notice for not collecting any routine monitoring sample(s).
 4. Date: 05/03/2010 (863442) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
- Description: TCR Routine Monitoring Violation 03/2010 Failure to collect any routine monitoring sample(s).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
- Description: TCR PN Routine Monitoring Violation 03/2010 Failure to post public notice for not collecting any routine monitoring sample(s).
 5. Date: 06/10/2010 (863445) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)
- Description: TCR Routine Monitoring Violation 04/2010 Failure to collect any routine monitoring sample(s).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
- Description: TCR PN Routine Monitoring Violation 04/2010 Failure to post public notice for not collecting any routine monitoring sample(s).
 6. Date: 07/06/2010 (863448) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
- Description: TCR Routine Monitoring Violation 05/2010 Failure to collect any routine monitoring sample(s).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
- Description: TCR PN Routine Monitoring Violation 05/2010 Failure to post public notice for not collecting any routine monitoring sample(s).
 7. Date: 07/23/2010 (863454) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
- Description: TCR Routine Monitoring Violation 06/2010 Failure to collect any routine monitoring sample(s).
 8. Date: 08/31/2010 (863460) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
- Description: TCR Routine Monitoring Violation 07/2010 Failure to collect any routine monitoring sample(s).
 9. Date: 08/31/2010 (850320) CN603679143
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
- Description: Failure to submit plans and specifications and well completion data for the groundwater well and associated water system components.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
- Description: Failure to maintain the minimum required free chlorine residual in the distribution system at all times.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
- Description: Failure to monitor the disinfectant residual in the distribution system since December 2009.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
- Description: Failure to provide a concrete sealing block around the wellhead.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
- Description: Failure to provide the minimum required pressure tank capacity.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAVS INVESTMENTS, INC.
D/B/A FRIDAY'S
GENERAL STORE;
RN104711163**

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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-0635-PWS-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. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is SAVS Investments, Inc. d/b/a Friday's General Store ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 7678 East US Highway 290 in Johnson City, Blanco County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on August 27, 2010, a TCEQ Austin Regional Office investigator documented that Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, the chlorine residual measured at the Facility's kitchen sink, hand washing sink, and the ladies' restroom sink revealed a chlorine residual of 0.0 mg/L.
3. During an investigation conducted on February 16, 2011, a TCEQ Austin Regional Office investigator documented that Respondent:
 - a. Failed to submit engineering plans and specifications and obtain Commission approval prior to the construction of a new water system. Specifically, a new well was drilled on June 8, 2010, and two new pressure tanks and a hypochlorination system were installed prior to Commission approval;
 - b. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times. Specifically, the chlorine residual measured at the Facility's hand washing sink revealed a chlorine residual of 0.0 mg/L;

- c. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;
 - d. Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, the pressure tank was found to have a total capacity of 170 gallons, which is a 23% deficiency;
 - e. Failed to submit well completion data to the Commission for review and approval prior to placing the well into service; and
 - f. Failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011.
4. Respondent received notice of the violations on or about April 12, 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 SAVS Investments, Inc. d/b/a Friday's General Store" (the "EDPRP") in the TCEQ Chief Clerk's office on July 11, 2011.
 6. By letter dated July 11, 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 July 13, 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 Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).
3. As evidenced by Finding of Fact No. 3.a., Respondent failed to submit engineering plans and specifications and obtain Commission approval prior to the construction of a new water system, in violation of TEX. HEALTH & SAFETY CODE § 341.035(a) and 30 TEX. ADMIN. CODE § 290.39(c), (e)(1) and (h)(1).
4. As evidenced by Finding of Fact No. 3.b., Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).

5. As evidenced by Finding of Fact No. 3.c., Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
6. As evidenced by Finding of Fact No. 3.d., Respondent failed to provide a minimum pressure tank capacity of 220 gallons, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii).
7. As evidenced by Finding of Fact No. 3.e., Respondent failed to submit well completion data to the Commission for review and approval prior to placing the well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
8. As evidenced by Finding of Fact No. 3.f., Respondent failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3).
9. 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. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
10. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to 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.
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, 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.
12. An administrative penalty in the amount of two thousand five hundred ninety-seven dollars (\$2,597.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
13. 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 two thousand five hundred ninety-seven dollars (\$2,597.00) 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: SAVS Investments, Inc. d/b/a Friday's General Store; Docket No. 2011-0635-PWS-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. Immediately upon the effective date of this Order, Respondent shall:

- i. Begin operating the disinfection equipment to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times (Conclusions of Law Nos. 2 and 4), in accordance with 30 TEX. ADMIN. CODE § 290.110; and
- ii. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days (Conclusion of Law No. 5), in accordance with 30 TEX. ADMIN. CODE § 290.110.

- b. Within 30 days after the effective date of this Order, Respondent shall:

- i. Submit written certification and detailed supporting documentation, as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.; and
- ii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90160028 (Conclusion of Law No. 8). The payment shall be sent with the notation "RE: SAVS Investments, Inc. d/b/a Friday's General Store, FA Account NO. 90160028" to:

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

- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.b.ii.

- d. Within 180 days after the effective date of this Order, Respondent shall:
- i. Provide a minimum pressure tank capacity of 220 gallons (Conclusion of Law No. 6), in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Submit accurate, up-to-date as-built plans and specifications prepared under the direction of a licensed professional engineer for the Facility (Conclusion of Law No. 3), in accordance with 30 TEX. ADMIN. CODE § 290.39, and submit well completion data (Conclusion of Law No. 7), in accordance with 30 TEX. ADMIN. CODE § 290.41. The plans and specifications and well completion data shall be submitted to:
- Plan and Groundwater Review Section, MC 159
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- e. Respondent shall respond completely and adequately, as determined by the Commission, to all requests for information concerning the plans and specifications and well completion data for the Facility.
- f. Within 190 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.d.i. and 3.d.ii.
- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Carolyn Runyon, Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 South IH 35, Suite 100
Austin, Texas 78704-5700

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 Facility 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 PHILLIP M. GOODWIN

STATE OF TEXAS

§

COUNTY OF TRAVIS

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§

"My name is Phillip M. Goodwin. 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 SAVS Investments, Inc. d/b/a Friday's General Store" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 11, 2011.

The EDPRP was mailed to Respondent's last known address on July 11, 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 July 13, 2011, as evidenced by the signature on the card.

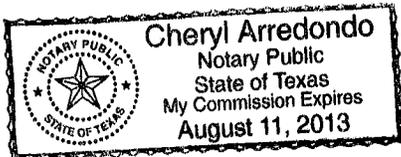
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



Phillip M. Goodwin, P.G., Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Phillip M. Goodwin, 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 20th day of September, A.D. 2011.




Notary Signature