

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0983-PWS-E **TCEQ ID:** RN101210391 **CASE NO.:** 39877
RESPONDENT NAME: Carolyn Maxey dba Channel Oaks Water System

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Channel Oaks Water System, 1.7 miles west of Highway 281 on Farm-to-Market 2147, near Marble Falls, Burnet County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Four complaints were received in March 2010 alleging discolored water, air in the lines, and the lack of response to customers' phone calls. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 22, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Carolyn Maxey, Trustee, Channel Oaks Water System, 4533 North Versailles Avenue, Dallas, Texas 75205 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 10, 2010 and March 11, 2010.</p> <p>Date of Investigation Relating to this Case: March 31, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 21, 2010 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].</p> <p>2) Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>3) Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>4) Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(6)].</p> <p>5) Failed to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>6) Failed to ensure that all electrical wiring is securely installed in</p>	<p>Total Assessed: \$1,789</p> <p>Total Deferred: \$357 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,432</p> <p>Compliance History Classification: Person/CN - N/A Site/RN - N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that as of March 11, 2010, the Respondent began maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining pumps, motors, valves, and other mechanical devices in good working condition, including but not limited to replacing the pressure switch on the building for pressure plane two so that it does not malfunction and continue to stay in the open position; and</p> <p>ii. Ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, including but not limited to the wiring for the pressure pump in pressure plane three.</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.;</p> <p>ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition, including but not limited to repairing the leaks in the ground storage tank ("GST") in pressure plane three;</p> <p>iii. Provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities, including but not limited to tightening or restringing the barbed wire on the fence</p>

<p>compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>7) Failed to make available to the Commission upon request an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>8) Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii) and (f)(3)(E)(i)].</p> <p>9) Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH AND SAFETY CODE § 341.0315(a)(1)].</p>		<p>in pressure plane three;</p> <p>iv. Develop and maintain an up-to-date chemical and microbiological monitoring plan; and</p> <p>v. Compile and begin maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to the annual inspection reports for the GSTs and pressure tank; and the monthly operating reports for January and February 2010.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b.ii through b.v; and</p> <p>ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to the repair or replacement of the pump houses in pressure planes two and three.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.ii.;</p> <p>e. Within 180 days after the effective date of this Agreed Order, provide a minimum well capacity of 0.6 gpm per connection; and</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID No. 0270037



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	1-Jun-2010			
	PCW	14-Jun-2010	Screening	14-Jun-2010	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Carolyn Maxey dba Channel Oaks Water System
Reg. Ent. Ref. No.	RN101210391
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	39877	No. of Violations	9
Docket No.	2010-0983-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
		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: **\$1,510**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 11.0% Enhancement **Subtotals 2, 3, & 7: \$166**

Notes: Enhancement due to one prior Notice of Violation ("NOV") containing the same violations as the current enforcement action and three dissimilar NOVs.

Culpability 0.0% Enhancement **Subtotal 4: \$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5: \$25**

Economic Benefit 0.0% Enhancement* **Subtotal 6: \$0**

Total EB Amounts **\$4,950**
 Approx. Cost of Compliance **\$64,405**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal: \$1,651**

OTHER FACTORS AS JUSTICE MAY REQUIRE 6.1% **Adjustment: \$100**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs associated with violation no. 1.

Final Penalty Amount: \$1,751

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty: \$1,789**

DEFERRAL 20.0% Reduction **Adjustment: -\$357**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: \$1,432

Screening Date: 14-Jun-2010

Docket No.: 2010-0983-PWS-E

PCW

Respondent: Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No.: 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101210391

Media [Statute]: Public Water Supply

Enf. Coordinator: Andrea L. Inson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)			
Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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)			11%
>> Repeat Violator (Subtotal 3)			
N/A		Adjustment Percentage (Subtotal 3)	
			0%
>> Compliance History Person Classification (Subtotal 7)			
N/A		Adjustment Percentage (Subtotal 7)	
			0%
>> Compliance History Summary			
Compliance History Notes	Enhancement due to one prior Notice of Violation ("NOV") containing the same violations as the current enforcement action and three dissimilar NOVs.		
Total Adjustment Percentage (Subtotals 2, 3, & 7)			11%

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4)

Violation Description

Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the investigation, a review of records indicated that a field test conducted on March 10, 2010 at 540 Rocky Road indicated a free chlorine residual of 0.09 mg/L. Additionally, a second field test conducted at 211 Taylor Lane indicated a free chlorine residual of 0.01 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain proper levels of disinfection could result in the delivery of a significant amount of contaminated water to the public which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes The Respondent achieved compliance on March 11, 2010.

Violation Subtotal \$76

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$91

This violation Final Assessed Penalty (adjusted for limits) \$91

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	10-Mar-2010	11-Mar-2010	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight and maintenance to ensure disinfection equipment is operating properly to maintain adequate chlorine residuals. The date required is the date the field tests were conducted. The final date is the date of compliance.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the pump house for pressure plane two exhibited signs of water damage that has caused the walls to separate from the floor and other support structures in several sections. Additionally, the pump house in pressure plane three has a leaking roof.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two quarterly events (one quarterly event for each site) are recommended, calculated from the investigation date, March 31, 2010, to the screening date, June 14, 2010.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$235

This violation Final Assessed Penalty (adjusted for limits) \$235

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings	\$850	31-Mar-2010	31-Mar-2011	1.00	\$3	\$57	\$60
Other (as needed)	\$50	31-Mar-2010	31-Mar-2011	1.00	\$0	\$3	\$4
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amounts to replace the pump house in pressure plane two and to repair the roof of the pump house in pressure plane three, calculated from the investigation date 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

\$900

TOTAL

\$63

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the ground storage tank ("GST") in pressure plane three was leaking.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Failure to maintain all related appurtenances in a watertight condition could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, March 31, 2010, to the screening date, June 14, 2010.

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 \$6

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System.

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item-Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	31-Mar-2010	28-Feb-2011	0.92	\$0	\$6	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the estimated amount to repair the leaking GST in pressure plane three. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(6)

Violation Description

Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition. Specifically, at the time of the investigation, it was documented that the pressure switch located in the pump house for pressure plane two has been malfunctioning and allowed to remain in the open position for approximately six months which has caused the GST to overflow on a frequent basis.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly maintain the Facility's equipment could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, March 31, 2010, to the screening date, June 14, 2010.

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 \$6

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	31-Mar-2010	31-Jan-2011	0.84	\$0	\$6	\$6
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 amount necessary to replace the pressure switch located in the pump house in pressure plane two. The date required is the date of the investigation. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [4] avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Violation Description

Failed to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fencing provided for the equipment at pressure plane three had barbed wire that was in need of repair.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an intruder-resistant fence could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$960

\$50

Violation Events

Number of Violation Events 1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$59

This violation Final Assessed Penalty (adjusted for limits) \$59

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

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)	\$100	31-Mar-2010	28-Feb-2011	0.92	\$0	\$6	\$6
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 necessary to make the fencing in pressure plane three intruder-resistant. The date required is the date of the investigation. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(v)

Violation Description

Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring for the booster pump in pressure plane three was exposed and not properly installed in accordance with a local or national code.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to install all electrical wiring in compliance with a local or national code may cause equipment malfunctioning which could expose consumers to a significant amount of pollutants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$750

Three monthly events are recommended, calculated from the investigation date, March 31, 2010, to the screening date, June 14, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$883

This violation Final Assessed Penalty (adjusted for limits) \$883

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System
Case ID No.: 39877
Reg. Ent. Reference No.: RN101210391
Media: Public Water Supply
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	31-Mar-2010	31-Jan-2011	0.84	\$1	\$11	\$12
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 necessary to ensure that all wiring is installed in accordance with a local or national code, calculated from the investigation date 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

\$200

TOTAL

\$12

Screening Date 14-Jun-2010

Docket No. 2010-0883-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations; describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

Base Penalty \$1,000

>> 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			10%
The Respondent failed to meet 100% of the rule requirement.					

Adjustment \$900

\$100

Violation Events

	1	75	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

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 \$12

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System
Case ID No.: 39877
Reg. Ent. Reference No.: RN101210391
Media: Public Water Supply
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	16

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	31-Mar-2010	28-Feb-2011	0.92	\$1	\$11	\$12
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 necessary to compile and maintain an up-to-date monitoring plan, 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

\$180

TOTAL

\$12

Screening Date 14-Jun-2010

Docket No: 2010-0983-PWS-E

PCW

Respondent: Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No.: 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101210391

Media [Statute]: Public Water Supply

Enf. Coordinator: Andrea Linson-Mgbeoduru

Violation Number: 8

Rule Cite(s)

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

Violation Description

Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the following documents were not available: annual inspection reports for the GSTs and pressure tank; and the monthly operating reports for January and February 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

The Respondent failed to meet less than 10% of the rule requirement.

Adjustment \$990

\$10

Violation Events

1

366 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 39877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

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	\$225	31-Mar-2010	28-Feb-2011	0.92	\$10	n/a	\$10
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 develop and maintain an up-to-date record of water works operation and maintenance activities, including but not limited to: annual inspection reports for the GSTs and pressure tank; and the monthly operating reports for January and February 2010, calculated from the investigation date 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

\$225

TOTAL

\$10

Screening Date 14-Jun-2010

Docket No. 2010-0983-PWS-E

PCW

Respondent Carolyn Maxey dba Channel Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 39877

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101210391

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health and Safety Code § 341.0315(a)(1)

Violation Description

Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 53 service connections which require 32 gpm. Currently, the Facility provides approximately 17 gpm, which indicates a 47% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inadequate well capacity could result in water outages, backflow problems and low pressure exposing customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

75 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, March 31, 2010, to the screening date, June 14, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,735

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

Economic Benefit Worksheet

Respondent: Carolyn Maxey dba Channel Oaks Water System

Case ID No.: 89877

Reg. Ent. Reference No.: RN101210391

Media: Public Water Supply

Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$62,500	31-Mar-2010	30-Apr-2011	1.08	\$225	\$4,509	\$4,735
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide a well capacity of 0.6 gpm per connection, calculated from the investigation date 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

\$62,500

TOTAL

\$4,735

Compliance History Report

Customer/Respondent/Owner-Operator: CN600653695 Carolyn Maxey Classification: Rating:
Regulated Entity: RN101210391 CHANNEL OAKS WATER SYSTEM Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0270037
Location: 1.7 MI W OF HWY 281 ON FM 2147 NEAR MARBLE FALLS
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: June 14, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 14, 2005 to June 14, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 02/02/2007 | (644090) |
| 2 | 03/15/2007 | (644216) |
| 3 | 06/01/2007 | (644736) |
| 4 | 11/16/2007 | (600513) |
| 5 | 01/22/2008 | (615178) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/02/2007 (644090) CN600653695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)
Description: BACT - NONACUTE MCL (5% OR >1)

Date: 03/15/2007 (644216) CN600653695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 06/01/2007 (644736) CN600653695
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE

Date: 11/16/2007 (600513) CN600653695
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain facilities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)
 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failure to plug abandoned well.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 288, SubChapter C 288.30(5)
 Description: Failed to have a drought contingency plan as required for a retail public water supplier.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failed to provide a sanitary control easement for the water well.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)
 Description: Failed to maintain a minimum disinfectant residual of 0.2 parts per million chlorine throughout the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 Description: Failed to document all dead end mains being flushed on a monthly basis.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failed to maintain the exterior of the elevated ground storage tanks and the pressure tank in good condition.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failed to maintain the system in a water tight condition.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failed to have the wiring at the well installed in conduit or a junction box and was exposed to the elements.

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
CAROLYN MAXEY DBA CHANNEL
OAKS WATER SYSTEM
RN101210391

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-0983-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Carolyn Maxey dba Channel Oaks Water System ("the Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply 1.7 miles west of Highway 281 on Farm-to-Market Road 2147 near Marble Falls, Burnet County, Texas (the "Facility") that has approximately 53 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 5, 2010.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Seven Hundred Eighty-Nine Dollars (\$1,789) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Four Hundred Thirty-Two Dollars (\$1,432) of the administrative penalty and Three Hundred Fifty-Seven Dollars (\$357) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that as of March 11, 2010, the Respondent began maintaining a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), as documented during an investigation conducted on March 31, 2010.
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on March 31, 2010.
3. Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on March 31, 2010.

4. Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6), as documented during an investigation conducted on March 31, 2010.
5. Failed to provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on March 31, 2010.
6. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on March 31, 2010.
7. Failed to make available to the Commission upon request an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on March 31, 2010.
8. Failed to maintain and make available to the Commission upon request an accurate and up-to-date record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii) and (f)(3)(E)(i), as documented during an investigation conducted on March 31, 2010.
9. Failed to provide a minimum well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH AND SAFETY CODE § 341.0315(a)(1), as documented during an investigation conducted on March 31, 2010.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Carolyn Maxey dba Channel Oaks Water System, Docket No. 2010-0983-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin maintaining pumps, motors, valves, and other mechanical devices in good working condition, including but not limited to the replacing the pressure switch on the building for pressure plane two so that it does not malfunction and continue to stay in the open position, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, including but not limited to the wiring for the pressure pump in pressure plane three, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition, including but not limited to repairing the leaks in the ground storage tank ("GST") in pressure plane three, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Provide an intruder-resistant fence for all potable water storage tanks and pressure maintenance facilities, including but not limited to tightening or restringing the barbed wire on the fence in pressure plane three, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iv. Develop and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - v. Compile and begin maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to the annual inspection reports for the GSTs and pressure tank; and the monthly operating reports for January and February 2010, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii through 2.b.v; and
 - ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but

not limited to the repair or replacement of the pump houses in pressure planes two and three, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.ii.
- e. Within 180 days after the effective date of this Agreed Order, provide a minimum well capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

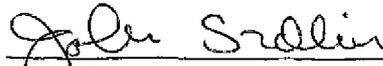
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Carolyn Maxey dba Channel Oaks Water System
DOCKET NO. 2010-0983-PWS-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 11/22/2010

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

Date 10/29/10

Name (Printed or typed)
Authorized Representative of
Carolyn Maxey dba Channel Oaks Water System

Title

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

