

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2010-1931-PWS-E **TCEQ ID:** RN101272433; RN101175552 **CASE NO.:** 40787
RESPONDENT NAME: Karen Reeves

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: Timber Creek Addition (RN101272433), located on the north side of United States ("US") Highway 82, 1.4 miles east of Farm-to-Market Road 678, Cooke County; and Pleasant Ridge Addition (RN101175552), located one mile north of US Highway 82 at Farm-to-Market Road 3902, Cooke County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Complaints were received on: September 21, 2010 alleging low water pressure; October 8, 2010 alleging a water outage that occurred during work being done in the distribution system; October 25, 2010, alleging low residual chlorine; November 7, 2010 alleging the chlorine level in the water was so high that it cannot be drunk, and the odors from dishwashing and other activities are very strong; November 8, 2010 alleging excessive amounts of chlorine in the water; and November 22, 2010 alleging that water had no residual chlorine (the complainant owns a disinfectant residual analyzer and their tests show a residual of 0.16 milligrams per liter ("mg/L") on October 21, 2010, 0.09 mg/L on October 22, 2010, 0.2 mg/L on October 23, 2010, 0.04 mg/L on October 24, 2010, and 0.00 mg/L on October 25, 2010). There is no record of additional pending enforcement actions regarding these facility locations.</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 May 9, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Karen Reeves, Owner, Timber Creek Addition and Pleasant Ridge Addition, P.O. Box 514, Gordonville, Texas 76245 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 checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: September 21, 2010, October 8, 2010, October 25, 2010, November 7, 2010, November 8, 2010, and November 22, 2010</p> <p>Date of Investigation Relating to this Case: September 21, 2010, November 2 through November 15, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 15, 2010 and December 2, 2010 (NOE)</p> <p>Background Facts: These were a complaint investigation and a records review.</p> <p>WATER</p> <p>Timber Creek Facility (RN101272433):</p> <p>1) Failed to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(III), and 290.46(f)(3)(B)(iii)].</p> <p>2) Failed to conduct an annual inspection of the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>3) Failed to compile and maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>4) Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>5) Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution</p>	<p>Total Assessed: \$5,063</p> <p>Total Deferred: \$1,012 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$131 (remaining \$3,920 due in 35 monthly payments of \$112 each)</p> <p>Compliance History Classifications: 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 the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On December 7, 2010, installed a flush valve and a shut off valve at the Timber Creek Facility; and</p> <p>b. On November 29, 2010, repaired the leak in the pressure tank and the leaking distribution line near the residence at 831 County Road 142 Whitesboro.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to undertake the following at the Timber Creek Facility (RN101272433):</p> <p>a. Immediately after the effective date of this Agreed Order, begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to volume of water treated each week, amount of chemicals used each week, and the disinfection residual monitoring results from the distribution system and make them available at the time of Commission inspections;</p> <p>ii. Conduct the annual inspections for the pressure tanks and ground storage tanks; and</p> <p>iii. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 pounds per square inch,</p>

<p>system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>6) Failed to provide an all-weather access road to the well site [30 TEX. ADMIN. CODE § 290.41(c)(3)(P)].</p> <p>7) Failed to conduct an annual inspection of the pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>8) Failed to issue a boil water notification within 24 hours of an outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>9) Failed to maintain the residual disinfectant concentration in the water of at least 0.2 mg/L free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>10) Failed to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required [30 TEX. ADMIN. CODE § 290.44(d)(5)].</p> <p>Pleasant Ridge Facility (RN101175552):</p> <p>11) Failed to keep copies of Facility records on file or stored electronically and made accessible for review during inspections [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(III), and 290.46(f)(3)(B)(iii)].</p> <p>12) Failed to conduct an annual inspection of the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>13) Failed to compile and maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>14) Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>15) Failed to maintain all treatment units, storage and pressure</p>		<p>water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 1.a. and 1.b.</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and</p> <p>ii. Provide an operable flow measuring device for the well.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.d.</p> <p>f. Within 90 days after the effective date of this Agreed Order, provide an all-weather access road to the well site.</p> <p>g. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.f.</p> <p>2) The Order will require the Respondent to undertake the following at the Pleasant Ridge Facility (RN101175552):</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to volume of water treated each week, amount of chemicals used</p>
---	--	--

<p>maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>16) Failed to ensure that all electrical wiring at the Facility is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>17) Failed to conduct annual inspections of the two pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p>		<p>each week, and the disinfection residual monitoring results from the distribution system and make them available at the time of Commission inspections; and</p> <p>ii. Conduct the annual inspections for the pressure tanks and ground storage tanks.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;</p> <p>ii. Provide an operable flow measuring device for the well; and</p> <p>iii. Secure all electrical wiring and exposed electrical boxes with covers, in compliance with a local or national electric code.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.</p> <p>e. Within 90 days after the effective date of this Agreed Order, repair the leak in the ground storage tank.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification as described and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.</p>
--	--	---

Additional ID No(s): PWS ID Nos. 0490030 and 0490041



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Nov-2010	Screening	1-Dec-2010	EPA Due	
	PCW	22-Nov-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Karen Reeves (Pleasant Ridge Addition)	
Reg. Ent. Ref. No.	RN101175552	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	40787	No. of Violations	7
Docket No.	2010-1931-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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	\$1,700
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	55.0% Enhancement	Subtotals 2, 3, & 7	\$935
---------------------------	-------------------	--------------------------------	--------------

Notes: Enhancement for one NOV with same/similar violations and two orders without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

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

Total EB Amounts	\$315
Approx. Cost of Compliance	\$1,938

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,635
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	5.0%	Adjustment	\$133
---	------	-------------------	--------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation nos. 2 and 7.

Final Penalty Amount	\$2,768
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,768
-----------------------------------	-------------------------------	----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$553
-----------------	-----------------	-------------------	---------------

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	\$2,215
------------------------	----------------

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 55%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and two orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(A)(I)(II), 290.46(f)(3)(A)(II)(III), and 290.46(f)(3)(B)(III)

Violation Description

Failed to keep copies of Facility records on file or stored electronically and made accessible for review during inspections. Specifically, at the time of the record review, it was noted that the Respondent failed to provide the following records that were requested during an investigation conducted on March 15, 2010: volume of water treated each week, amount of chemicals used each week, and the disinfection residual monitoring results from the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		X		5%

Matrix Notes

30% to 70% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 71

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 \$9

Violation Final Penalty Total \$81

This violation Final Assessed Penalty (adjusted for limits) \$81

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Rldge Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101175552
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

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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$135	15-Mar-2010	1-Aug-2011	1.38	\$9	n/a	\$9
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 a record-keeping system for the volume of water treated each week, amount of chemicals used each week, and the disinfectant residual monitoring results, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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	\$135	TOTAL	\$9
----------------------------	-------	--------------	-----

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to conduct an annual inspection of the ground storage tank.

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

Complete failure to perform an inspection of the ground storage tank could expose customers of the Facility to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$100

One annual event is recommended calculated for the 12 months preceding the record review date, September 21, 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 \$43

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Ridge Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101175552
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

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)				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)

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	\$41	21-Sep-2009	21-Sep-2010	1.00	\$2	\$41	\$43
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 cost includes the estimated amount to conduct the annual ground storage tank inspection, calculated for the one year prior to the date of the record review.

Approx. Cost of Compliance \$41

TOTAL \$43

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to compile and maintain a plant operations manual for operator review and reference.

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 10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

71 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Rldge Addition)

Case ID No.: 40787

Reg. Ent. Reference No.: RN101175552

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

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	\$180	15-Mar-2010	1-Sep-2011	1.47	\$13	\$13
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 compile a plant operations manual, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$13

Screening Date 1-Dec-2010
Respondent Karen Reeves (Pleasant Ridge Addition)
Case ID No. 40787
Reg. Ent. Reference No. RN101175552
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2010-1931-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 4

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

Violation Description
Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the record review, it was documented that the flow meter on the well was not functioning.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide a functioning flow measuring device for the well could lead to incorrect water usage calculations and could prevent the operator from obtaining accurate well production data and determining proper amounts of disinfection of raw water, thereby exposing consumers 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 71 Number of violation days

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the record review, September 21, 2010, to the date of screening, December 1, 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 \$31

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Ridge Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101175552
Media: Public Water Supply
Violation No.: 4

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 Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$300	15-Mar-2010	1-Sep-2011	1.47	\$1	\$29	\$31
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a well meter, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

	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

\$300

TOTAL

\$31

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the record review, it was noted by the Investigator that during an investigation conducted on March 15, 2010, the ground storage tank had water seeping out from the base of the tank.

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 maintain the Facility in a watertight condition could allow a significant amount of contaminants to enter the Facility which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

71 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 from the date of the record review, September 21, 2010, to the date of screening, December 1, 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 \$108

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Ridge Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101175552

Media: Public Water Supply

Violation No.: 5

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			0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	15-Mar-2010	1-Oct-2011	1.55	\$5	\$103
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 repair the leak, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$108

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code. § 290.46(v)

Violation Description

Failed to ensure that all electrical wiring at the Facility is securely installed in compliance with a local or national electrical code. Specifically, at the time of the record review, it was documented that the electrical wiring was not in a conduit and the electrical boxes inside the pump house did not have covers.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to ensure all electrical wiring is installed in compliance with local or national code could cause equipment to malfunction, resulting in low pressure or outages which would expose customers of the Facility to significant amounts of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

71 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended from the date of the record review, September 21, 2010, to the date of screening, December 1, 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,221

This violation Final Assessed Penalty (adjusted for limits) \$1,221

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Ridge Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101175552

Media: Public Water Supply

Violation No.: 6

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)	\$200	15-Mar-2010	1-Sep-2011	1.47	\$1	\$20	\$21
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 ensure the electrical wiring is installed in compliance with a local or national electric code, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

\$200

TOTAL

\$21

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Pleasant Ridge Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101175552

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to conduct annual inspections of the two pressure tanks.

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

Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, which could expose customers of the water supply to significant amounts of contaminants that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

2

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$500

Two annual events are recommended (one annual event per pressure tank).

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 \$90

Violation Final Penalty Total \$814

This violation Final Assessed Penalty (adjusted for limits) \$814

Economic Benefit Worksheet

Respondent: Karen Reeves (Pleasant Ridge Addition)
Case ID No.: 40787
Reg. Ent. Reference No.: RN101175552
Media: Public Water Supply
Violation No.: 7

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			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	\$0	\$0
Record Keeping System			0.00	\$0	\$0	\$0
Training/Sampling			0.00	\$0	\$0	\$0
Remediation/Disposal			0.00	\$0	\$0	\$0
Permit Costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$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]	\$82	21-Sep-2009	21-Sep-2010	1.92	\$8	\$82
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual pressure tank inspections, calculated for the one year prior to the date of the record review.

Approx. Cost of Compliance \$82

TOTAL \$90



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Nov-2010	Screening	1-Dec-2010	EPA Due	
	PCW	18-Feb-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Karen Reeves (Timber Creek Addition)
Reg. Ent. Ref. No.	RN101272433
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	40787	No. of Violations	10
Docket No.	2010-1931-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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	\$1,300
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	55.0% Enhancement	Subtotals 2, 3, & 7	\$715
---------------------------	-------------------	--------------------------------	--------------

Notes: Enhancement for one NOV with same/similar violations and two orders without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$30
--	-------------------	-------------

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

Total EB Amounts: \$1,018
 Approx. Cost of Compliance: \$11,308
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,985
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	15.6%	Adjustment	\$310
---	-------	-------------------	--------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation nos. 2, 7, 8, and 9.

Final Penalty Amount	\$2,295
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,295
-----------------------------------	-------------------------------	----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$459
-----------------	-----------------	-------------------	---------------

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	\$1,836
------------------------	----------------

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 55%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and two orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Additlon)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(A)(I)(II), 290.46(f)(3)(A)(II)(III), and 290.46(f)(3)(B)(III)

Violation Description Failed to provide Facility records to Commilssion personnel at the time of the Investigation. Specifically, at the time of the investigation, it was documented that the Facility did not have the following records for review: volume of water treated each week, amount of chemicals used each week, and the disinfection residual monitoring results from the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		X		5%

Matrix Notes 30% to 70% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 71 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 \$9

Violation Final Penalty Total \$90

This violation Final Assessed Penalty (adjusted for limits) \$90

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)

Case ID No.: 40787

Reg. Ent. Reference No.: RN101272433

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
<small>No commas or \$</small>							

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	\$135	15-Mar-2010	1-Aug-2011	1.38	\$9	n/a	\$9
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 a record-keeping system for the volume of water treated each week, amount of chemicals used each week, and the disinfectant residual monitoring results, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$135

TOTAL

\$9

Screening Date 1-Dec-2010 **Docket No.** 2010-1931-PWS-E **PCW**
Respondent Karen Reeves (Timber Creek Addition) *Policy Revision 2 (September 2002)*
Case ID No. 40787 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101272433
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)
Violation Description Failed to conduct an annual inspection of the ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Complete failure to perform an inspection of the ground storage tank could expose customers of the Facility to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$100

One annual event is recommended calculated for the 12 months preceding the investigation, September 21, 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 \$43 **Violation Final Penalty Total** \$179

This violation Final Assessed Penalty (adjusted for limits) \$179

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)
Case ID No.: 40787
Reg. Ent. Reference No.: RN101272433
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

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

Notes for DELAYED costs

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	\$41	21-Sep-2009	21-Sep-2010	1.00	\$2	\$41	\$43
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 cost includes the estimated amount to conduct the annual ground storage tank inspection, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance \$41

TOTAL \$43

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to compile and maintain a plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

71 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 \$13

Violation Final Penalty Total \$179

This violation Final Assessed Penalty (adjusted for limits) \$179

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101272433

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

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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	15-Mar-2010	1-Sep-2011	1.47	\$13	n/a	\$13
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 compile a plant operations manual, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

\$180

TOTAL

\$13

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description

Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the investigation, it was documented that the well did not have a flow measuring device.

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 provide a functioning flow measuring device for the well could lead to incorrect water usage calculations and prevents the operator from obtaining accurate well production data and determining proper amounts of disinfection of raw water, thereby exposing consumers 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

71 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, September 21, 2010, to the date of screening, December 1, 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 \$31

Violation Final Penalty Total \$179

This violation Final Assessed Penalty (adjusted for limits) \$179

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101272433

Media: Public Water Supply
Violation No.: 4

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 Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$300	15-Mar-2010	1-Sep-2011	1.47	\$1	\$29	\$31
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a well meter, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

	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

\$300

TOTAL

\$31

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that a leak in the pressure tank or associated piping was causing water to accumulate under the tank. Additionally, during an investigation conducted between November 2 through November 15, 2010, it was documented that a distribution line was observed leaking near the residence at 831 County Road 142 in Whitesboro.

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 maintain the Facility in a watertight condition could allow a significant amount of contaminants to enter the Facility which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

71 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended (one event per leak).

Good Faith Efforts to Comply

10.0% Reduction

\$20

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

Notes The Respondent achieved compliance on November 29, 2010.

Violation Subtotal \$180

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$307

Violation Final Penalty Total \$335

This violation Final Assessed Penalty (adjusted for limits) \$335

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101272433

Media: Public Water Supply

Violation No.: 5

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				0.00	\$0	\$0	\$0
Other (as needed)	\$6,177	15-Mar-2010	29-Nov-2010	0.71	\$15	\$292	\$307
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 actual amount to repair the leak at the pressure tank and the distribution line, calculated from the date of the investigation originally documenting the violation to the 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

\$6,177

TOTAL

\$307

Screening Date: 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent: Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator: Epifanio Villarreal

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(P)

Violation Description

Failed to provide an all-weather access road to the well site. Specifically, at the time of the investigation, it was documented that the road leading to the well had large ruts and large limestone rocks in some areas making the road unsafe to travel.

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 all-weather access road may make it difficult for the operator to access the well to maintain or operate the Facility during heavy or sustained rainfall events or in emergency situations.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

71 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 \$337

Violation Final Penalty Total \$90

This violation Final Assessed Penalty (adjusted for limits) \$90

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101272433
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. complias. or: \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,112	15-Mar-2010	1-Oct-2011	1.55	\$16	\$321	\$337
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide an all-weather access road to the well site, calculated from the date of the investigation originally documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,112	TOTAL	\$337
---------	--------------	-------

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to conduct an annual inspection of the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, which could expose customers of the Facility to significant amounts of contaminants that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$250

One annual event is recommended, calculated for the 12 months preceding the investigation date, September 21, 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$448

This violation Final Assessed Penalty (adjusted for limits) \$448

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)

Case ID No.: 40787

Req. Ent. Reference No.: RN101272433

Media: Public Water Supply

Violation No.: 7

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)				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)

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]	\$41	21-Sep-2009	21-Sep-2010	1.92	\$4	\$41	\$45
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual pressure tank inspections, calculated for the one year prior to the investigation date.

Approx. Cost of Compliance

\$41

TOTAL

\$45

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.46(q)(1)

Violation Description

Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, on October 8, 2010, an area of the distribution had lines dewatered to complete necessary repairs. As a result, a portion of the distribution system was without water and no boil water notice was issued to the affected customers within 24 hours of the outage.

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 issue a boil water notice may not allow the public to take appropriate measures in response to low water pressure which would potentially expose the public to significant amounts of contaminants which would exceed levels protective of human health

Adjustment \$750

\$250

Violation Events

1

1

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$448

This violation Final Assessed Penalty (adjusted for limits) \$448

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101272433
Media: Public Water Supply
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	11-Oct-2010	1-Aug-2011	0.81	\$4	n/a	\$4

Notes for DELAYED costs

The delayed costs include the estimated amount to develop and implement a written protocol that is to be followed to ensure boil water notices are issued to customers when appropriate. The date required is the record review 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)

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)	\$22	8-Oct-2010	9-Oct-2010	0.00	\$0	\$22	\$22

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to provide all customers of the affected area with a proper boil water notification (44 connections x (0.44 per stamp + 0.06 administrative) x 1 event). The date required is the date the boil water notice should have been issued. The final date is the end of the 24 hour period in which the boil water notice was not issued.

Approx. Cost of Compliance

\$122

TOTAL

\$26

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

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

Violation Description

Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, on November 2, 2010, a chlorine residual field test that was collected at 1090 County Road 142, Whitesboro revealed free chlorine residuals of 0.15 mg/L and 0.10 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	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to maintain proper levels of disinfection, could expose the public to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

1 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 \$200

Violation Final Penalty Total \$179

This violation Final Assessed Penalty (adjusted for limits) \$179

Economic Benefit Worksheet

Respondent Karen Reeves (Timber Creek Addition)

Case ID No. 40787

Req. Ent. Reference No. RN101272433

Media Public Water Supply

Violation No. 9

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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$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]	\$200	2-Nov-2010	1-Dec-2010	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to make adjustments to the chlorinator to prevent future instances of inadequate chlorination, calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$200

Screening Date 1-Dec-2010

Docket No. 2010-1931-PWS-E

PCW

Respondent Karen Reeves (Timber Creek Addition)

Policy Revision 2 (September 2002)

Case ID No. 40787

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101272433

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(5)

Violation Description Failed to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required. Specifically, during the investigation conducted from November 2 through November 15, 2010, it was documented that there were no flush valves in the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes Without sufficient valves and blowoffs, necessary repairs cannot be made without undue interruption of service and the Facility would not have means of flushing contaminated water from the water mains. This would expose the public to significant amounts of pollutants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 29

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

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, November 2, 2010, to the screening date, December 1, 2010.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent achieved compliance on December 7, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$168

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

Economic Benefit Worksheet

Respondent: Karen Reeves (Timber Creek Addition)
Case ID No.: 40787
Req. Ent. Reference No.: RN101272433
Media: Public Water Supply
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	2-Nov-2010	7-Dec-2010	0.10	\$0	\$6	\$7
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install valves and blowoffs in the distribution system for maintenance or repair activities, calculated from the date of the investigation to the 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

\$1,000

TOTAL

\$7

Compliance History

Customer/Respondent/Owner-Operator: CN603081423 REEVES, KAREN Classification: Rating:
Regulated Entity: RN101272433 TIMBER CREEK ADDITION Classification: Site Rating:

0490030

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
Location: NORTH SIDE OF US HWY 82, 1.4 MILES EAST OF FM 678
NEAR SADLER, COOKE COUNTY
TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: November 23, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 23, 2005 to November 23, 2010

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

Name: Epi Villarreal Phone: (361) 825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?
Karen Reeves
4. If Yes, who was/were the prior owner(s)/operator(s)?
Clarence A. Reeves
5. When did the change(s) in owner or operator occur?
July 1, 2009

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: 10/25/2008 ADMINORDER 2005-1860-PWS-E

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failed to provide a sanitary easement for the well.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failed to provide a working flow meter for the well discharge line.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failed to conduct pressure tank inspections.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failed to conduct ground storage tank inspections.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failed to provide a customer service agreement.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
Description: Failed to use disinfectant that is certified by ANSI/NSF.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failed to maintain a concrete sealing block around the well.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(1)
Description: Failure to maintain Monthly Operating Reports.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain a copy of the well completion data for as long as the well remains in service.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)

Description: Failure to provide an all-weather access road to the well site.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(7)

Description: Failure to provide an adequate drain on the ground storage tank for removal of accumulated silt and deposits at all low points in the bottom of the tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

Description: Failure to provide a ground storage tank ladder to facilitate routine inspection of roof hatches, vents, overflows, the structural integrity of the roof covering, and the protective coating of the interior by agency inspectors and the water system operator.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide all pressure tanks with a pressure release device.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)

Description: Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute per connection.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 3.a.i-3.g ORDER

Description: Failure to comply with Agreed Order Docket No. 2001-0149-PWS-E.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all water storage in a watertight condition. In this connection, the leaking pressure tank located at the pump station must be repaired or replaced as necessary.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

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

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

Effective Date: 07/29/2009

ADMINORDER 2008-0929-PWS-E

Classification: Minor

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and

certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

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. 03/27/2007 (553920)
2. 05/15/2007 (644610)
3. 08/01/2007 (645385)
4. 05/02/2008 (654883)
5. 02/17/2010 (790028)
6. 02/17/2010 (790184)
7. 04/13/2010 (795625)

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

Date:	04/14/2010 (795625)	CN603081423
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)	
Description:	Failure to maintain record of the volume of water treated each week. EIC B3 MOD(2)(B)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)	
Description:	Failure to maintain record of the amount of chemical used each week. EIC B3 MOD(2)(B)	
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)(A)	
Description:	Failure to monitor and record the disinfectant residual at representative locations in the distribution system at least once every seven days. EIC B3 MOD(2)(B)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)	
Description:	Failure to perform annual inspections on the ground storage and pressure tank. EIC B1 MOD(2)(E)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)	
Description:	Failure to compile and maintain a plant operations manual. EIC B3 MOD(2)(B)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)	
Description:	Failure to provide a flow measuring device on the well. EIC C4 MIN(3)(D)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)	
Description:	Failure to provide disinfection equipment with the appropriate dosing capacity. EIC B18 MOD(2)(G) *SIGNIFICANT DEFICIENCY*	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)	

Description: Failure to maintain the pressure tank in a watertight condition.
EIC C4 MIN(3)(D)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)
30 TAC Chapter 290, SubChapter D 290.42(a)(3)
Description: Failure to provide an all-weather access road at the water plant.
EIC C4 MIN(3)(D)

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

Compliance History

Customer/Respondent/Owner-Operator: CN603081423 REEVES, KAREN Classification: Rating:
Regulated Entity: RN101175552 PLEASANT RIDGE ADDITION Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
WATER LICENSING LICENSE 0490041
Location: 1 MI N OF US HWY 82 AT FM 3902 NEAR SADLER,
COOKE COUNTY 0490041
TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: November 23, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 23, 2005 to November 23, 2010

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?
Karen Reeves
4. If Yes, who was/were the prior owner(s)/operator(s)?
Clarence A. Reeves
5. When did the change(s) in owner or operator occur?
July 1, 2009

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: 10/25/2008 ADMINORDER 2005-1860-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to provide sanitary easement.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failed to provide a working flow meter on the well discharge line.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failed to conduct annual pressure tank inspections.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failed to provide a pressure release device on the pressure tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failed to conduct annual ground storage tank inspections.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)

Description: Failed to provide a customer service agreement or a plumbing ordinance.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description: Failed to maintain a minimum 200 gallons per connection ground storage tank capacity.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)

Description: Failed to use a disinfectant that is certified by ANSI/NSF.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failed to maintain concrete sealing block around the well head.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)

Description: Failed to provide an all weather road to the well site.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: Failed to pay Public Health Fees.

Classification: Moderate

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

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

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(f)(1)

Description: Failure to maintain Monthly Operating Reports.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain a copy of the well completion data for as long as the well remains in service.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide all pressure tanks with an easily readable pressure gauge.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

Description: Failure to provide a ground storage tank ladder to facilitate routine inspection of roof hatches, vents, overflows, the structural integrity of the roof covering, and the protective coating of the interior by agency inspectors and the water system operator.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

Description: Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 2.a.i.-2.g. ORDER

Description: Failure to comply with Agreed Order Docket No. 2001-0149-PWS-E.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain all water storage in a watertight condition. In this connection, the leaking ground storage tank located at the pump station must be repaired or replaced as necessary.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failure to plug abandoned public water supply well #2 owned by the system, with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers).

Effective Date: 07/29/2009 ADMINORDER 2008-0929-PWS-E
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year; and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.
 Classification: Minor
 Citation: 2A TWC Chapter 5, SubChapter A 5.702
 30 TAC Chapter 290, SubChapter D 290.51(a)(6)
 Description: Failed to pay overdue fees.

- 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. 03/27/2007 (543929)
- 2. 05/09/2008 (654884)
- 3. 02/17/2010 (789970)
- 4. 02/17/2010 (790093)
- 5. 04/13/2010 (795628)
- 6. 11/15/2010 (870784)

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

Date: 04/14/2010 (795628) CN603081423
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 Description: Failure to maintain record of the volume of water treated each week.
 EIC B3 MOD(2)(B)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 Description: Failure to maintain record of the amount of chemical used each week.
 EIC B3 MOD(2)(B)
 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)(A)
 Description: Failure to monitor and record the disinfectant residual at representative locations in the distribution system at least once every seven days.

	EIC B3 MOD(2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to perform an annual inspection of the ground storage.		
	EIC B1 MOD(2)(E)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to compile and maintain a plant operations manual.		
	EIC B3 MOD(2)(B)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to maintain the flow measuring device on the well.		
	EIC C4 MIN(3)(D)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)		
Description:	Failure to provide disinfection equipment with the appropriate dosing capacity.		
	EIC B18 MOD(2)(G)		
	SIGNIFICANT DEFICIENCY		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to maintain the ground storage tank in a watertight condition.		
	EIC C4 MIN(3)(D)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to provide an appropriate roof opening and cover on the ground storage tank.		
	EIC B18 MOD(2)(G)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to have all wires in securely mounted conduit at the water plant.		
	EIC C4 MIN(3)(D)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(4)		
Description:	Failure to maintain adequate residual disinfectant concentration levels in the distribution system.		
	EIC B19c(6) MOD(2)(G)		
	SIGNIFICANT DEFICIENCY		

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
KAREN REEVES
RN101272433
RN101175552**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1931-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 Karen Reeves ("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 public water supplies that serve at least 25 people per day for at least 60 days per year at the following locations in Texas (the "Facilities"):
 - a. Timber Creek Addition ("Timber Creek Facility") located on the north side of United States Highway 82, 1.4 miles east of Farm-to-Market Road 678 in Cooke County that has approximately 44 service connections; and
 - b. Pleasant Ridge Addition ("Pleasant Ridge Facility") located one mile north of United States Highway 82 at Farm-to-Market Road 3902 in Cooke County that has approximately 61 service connections.
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 notices of the violations alleged in Section II ("Allegations") on or about November 20, 2010 and December 7, 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 Five Thousand Sixty-Three Dollars (\$5,063) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Thirty-One Dollars (\$131) of the administrative penalty and One Thousand Twelve Dollars (\$1,012) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Nine Hundred Twenty Dollars (\$3,920) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Twelve Dollars (\$112) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and 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 the Respondent has implemented the following corrective measures at the Facilities:
 - a. On December 7, 2010, installed a flush valve and a shut off valve at the Timber Creek Facility; and
 - b. On November 29, 2010, repaired the leak in the pressure tank and the leaking distribution line near the residence at 831 County Road 142 Whitesboro.
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

1. As owner and operator of the Timber Creek Facility, the Respondent is alleged to have:
 - a. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(III), and 290.46(f)(3)(B)(iii), as documented during an investigation conducted on September 21, 2010;
 - b. Failed to conduct an annual inspection of the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on September 21, 2010;
 - c. Failed to compile and maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on September 21, 2010;
 - d. Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on September 21, 2010;
 - e. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during investigations conducted on September 21, 2010 and November 2 through November 15, 2010;
 - f. Failed to provide an all-weather access road to the well site, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(P), as documented during an investigation conducted on September 21, 2010;
 - g. Failed to conduct an annual inspection of the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on September 21, 2010;
 - h. Failed to issue a boil water notification within 24 hours of an outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during a record review conducted between October 11 through October 13, 2010;
 - i. Failed to maintain the residual disinfectant concentration in the water of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX.

HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted between November 2 through November 15, 2010; and

- j. Failed to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service and for flushing the system when required, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(5), as documented during an investigation conducted between November 2 through November 15, 2010.
2. As owner and operator of the Pleasant Ridge Facility, the Respondent is alleged to have:
 - a. Failed to keep copies of Facility records on file or stored electronically and made accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(A)(i)(II), 290.46(f)(3)(A)(ii)(III), and 290.46(f)(3)(B)(iii), as documented during a record review conducted on September 21, 2010;
 - b. Failed to conduct an annual inspection of the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during a record review conducted on September 21, 2010;
 - c. Failed to compile and maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during a record review conducted on September 21, 2010;
 - d. Failed to provide flow measuring devices for each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during a record review conducted on September 21, 2010;
 - e. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during a record review conducted on September 21, 2010;
 - f. Failed to ensure that all electrical wiring at the Facility 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 a record review conducted on September 21, 2010; and
 - g. Failed to conduct annual inspections of the two pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during a record review conducted on September 21, 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: Karen Reeves, Docket No. 2010-1931-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 at the Timber Creek Facility:
 - a. Immediately after the effective date of this Agreed Order, begin maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to volume of water treated each week, amount of chemicals used each week, and the disinfection residual monitoring results from the distribution system and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Conduct the annual inspections for the pressure tanks and ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised, as required by 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.
 - d. Within 60 days after the effective date of this Agreed Order:

- i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Provide an operable flow measuring device for the well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
 - f. Within 90 days after the effective date of this Agreed Order, provide an all-weather access road to the well site, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - g. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f.
3. It is further ordered that the Respondent shall undertake the following technical requirements at the Pleasant Ridge Facility:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining properly completed monthly water works operation records and maintenance records, including but not limited to volume of water treated each week, amount of chemicals used each week, and the disinfection residual monitoring results from the distribution system and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Conduct the annual inspections for the pressure tanks and ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Provide an operable flow measuring device for the well, in accordance with 30 TEX. ADMIN. CODE § 290.41; and

- iii. Secure all electrical wiring and exposed electrical boxes with covers, in compliance with a local or national electric code, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.f, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 90 days after the effective date of this Agreed Order, repair the leak in the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 4. 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 Pleasant Ridge Facility and Timber Creek Facility's operations referenced in this Agreed Order.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
6. 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.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/26/2011

Date

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

March 7, 2011

Date

Karen Reeves

Name (Printed or typed)
Authorized Representative of
Karen Reeves

Owner

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.

