

CAPTION: Docket No. 2010-1149-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Darrell Hall dba 2620 Estates in Grimes County; RN103018818; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

Page 1 of 3

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1149-PWS-E **TCEQ ID:** RN103018818 **CASE NO.:** 40039
RESPONDENT NAME: Darrell Hall dba 2620 Estates

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: 2620 Estates, located along County Road 227 off Farm-to-Market Road 2620, eight miles south of Bédias, Grimes 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: April 5, 2010 alleging water discoloration and odor; April 19, 2010 alleging low water pressure and outages; May 5, 2010 alleging discolored water and high chlorine content; July 21, 2010 alleging low water pressure and odor; September 28, 2010 alleging the water had strong odors, contained particulate matter and stained sinks and toilets red; September 29, 2010 alleging sand in the water; and October 13, 2010 alleging sand and grit in the water. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has 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 2, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Darrell Hall, Partner, 2620 Estates, P.O. Box 1419, Madisonville, Texas 77864 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 checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: April 5, 2010, April 19, 2010, May 5, 2010, July 21, 2010, September 28, 2010, September 29, 2010, and October 13, 2010</p> <p>Date of Investigation Relating to this Case: April 20, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 9, 2010 (NOE)</p> <p>Background Facts: This was a complaint and enforcement follow-up investigation.</p> <p>WATER</p> <p>1) Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4)].</p> <p>2) Failed to comply with the maximum secondary constituent level ("MSCL") for iron and manganese [30 TEX. ADMIN. CODE § 290.118(b)].</p> <p>3) Failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iii)].</p> <p>4) Failed to submit detailed engineering reports prior to activating a new public water supply system [30 TEX. ADMIN. CODE § 290.39(e)(1) and TEX. HEALTH & SAFETY CODE § 341.035(c) and TCEQ Agreed Order Docket No. 2008-0834-PWS-E Ordering Provision No. 2.b.].</p> <p>5) Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution</p>	<p>Total Assessed: \$1,497</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,497</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>Findings Orders Justification:</p> <p>This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin operating the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference, including but limited to disinfectant residual monitoring logs from August 2009 through March 2010 and a copy of an agreement between the Respondent and the property owner demonstrating that Well Nos. 4 and 5 were returned to the property owner; and</p> <p>ii. Begin maintaining a minimum pressure of 35 psi throughout the distribution system at all times.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Begin providing water that meets the MSCL for iron and manganese; and</p>

<p>system at all times [30 TEX. ADMIN. CODE § 290.46(r)].</p>		<p>ii. Submit accurate, up-to-date and detailed as-built plans and specifications for review and approval.</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS Registration 0930063



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	6-Jul-2010	Screening	16-Jul-2010	EPA Due	28-Feb-2011
	PCW	31-Aug-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Darrell Hall dba 2620 Estates
Reg. Ent. Ref. No.	RN103018818
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	6
Enf./Case ID No.	40039	Order Type	Findings
Docket No.	2010-1149-PWS-E	Government/Non-Profit	No
Media Program(s)	Public Water Supply	Enf. Coordinator	Stephen Thompson
Multi-Media		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes Enhancement due to five Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action, one dissimilar NOV and one agreed final enforcement order containing a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for the recovery of avoided costs of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 16-Jul-2010

Docket No. 2010-1149-PWS-E

PCW

Respondent Darrell Hall dba 2620 Estates

Policy Revision 2 (September 2002)

Case ID No. 40039

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103018818

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement due to five Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action, one dissimilar NOV and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 16-Jul-2010
Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Docket No. 2010-1149-PWS-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

0.0% Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Rea. Ent. Reference No. RN103018818
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	20-Apr-2010	21-Apr-2010	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to ensure that the disinfection equipment is properly operated and maintained to ensure that the drinking water supply is adequately disinfected, calculated for the date on which the low disinfectant residual reading occurred.

Approx. Cost of Compliance \$100

TOTAL \$100

Screening Date 16-Jul-2010
Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Docket No. 2010-1149-PWS-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, during follow-up visits to the Facility, the disinfectant residual was measured to be 0.05 mg/L free chlorine at the flush valve on County Road 227 near Well No. 1 on April 30, 2010 and 0.06 mg/L free chlorine at 15128 County Road 229 on May 5, 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

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

Matrix Notes

Failure to provide adequate disinfectant in the drinking water distribution system may expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

0.0% Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Req. Ent. Reference No. RN103018818
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	30-Apr-2010	6-May-2010	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to ensure that the disinfection equipment is properly operated and maintained to ensure that the drinking water supply is adequately disinfected, calculated for the dates on which the low disinfectant residual readings occurred.

Approx. Cost of Compliance \$100

TOTAL \$100

Screening Date 16-Jul-2010

Docket No. 2010-1149-PWS-E

PCW

Respondent Darrell Hall dba 2620 Estates

Policy Revision 2 (September 2002)

Case ID No. 40039

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103018818

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.118(b)

Violation Description

Failed to comply with the maximum secondary constituent level ("MSCL") for iron of 0.3 mg/L and manganese of 0.05 mg/L. Specifically, at the time of the investigation, one raw water and one treated water sample was taken from Well No. 3 for the analysis of iron and manganese levels. Laboratory tests found that the amount of iron in the treated water sample was 2.02 mg/L which exceeds the MSCL of 0.3 mg/L for iron. Additionally, the amount of manganese in the raw water sample was measured to be 0.720 mg/L and 0.675 mg/L in the treated water sample, which exceeds the MSCL of 0.05 mg/L for manganese.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the MSCL for iron and manganese exposes consumers to an insignificant amount of contaminants which do not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

87 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 from the date of the investigation, April 20, 2010, to the date of screening, July 16, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$838

Violation Final Penalty Total \$170

This violation Final Assessed Penalty (adjusted for limits) \$170

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	20-Apr-2010	1-Jul-2011	1.20	\$40	\$798	\$838
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 necessary to install treatment equipment to reduce the amount of iron and manganese in the water to acceptable levels, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$10,000** **TOTAL** **\$838**

Screening Date 16-Jul-2010
Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
Media [Statute] Public Water Supply
Enf. Coordinator Stephen Thompson

Docket No. 2010-1149-PWS-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(iii)

Violation Description

Failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that the following records were not available for review: disinfectant residual monitoring logs from August 2009 through March 2010 and a copy of an agreement between the Respondent and the property owner demonstrating that Well Nos. 4 and 5 were returned to the property owner.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%
Less than 30% of the rule requirement was not met.					

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 87

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

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$17

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

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$90	20-Apr-2010	1-Mar-2011	0.86	\$4	n/a	\$4
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 necessary to maintain a complete record of water works operations and maintenance activities on file at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$4

Screening Date 16-Jul-2010

Docket No. 2010-1149-PWS-E

PCW

Respondent Darrell Hall dba 2620 Estates

Policy Revision 2 (September 2002)

Case ID No. 40039

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103018818

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and Tex. Health & Safety Code § 341.035(c) and TCEQ Agreed Order Docket No. 2008-0834-PWS-E Ordering Provision No. 2.b.

Violation Description

Failed to submit detailed engineering reports prior to activating a new public water supply system.

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

319 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 \$192

Violation Final Penalty Total \$170

This violation Final Assessed Penalty (adjusted for limits) \$170

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Req. Ent. Reference No. RN103018818
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,500	31-Aug-2009	1-Jul-2011	1.83	\$9	\$183	\$192
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 necessary to prepare and submit engineering plans, specifications, and reports for the Facility to the Commission, calculated from the effective date of TCEQ Agreed Order Docket No. 2008-0834-PWS-E 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

\$1,500

TOTAL

\$192

Screening Date 16-Jul-2010

Docket No. 2010-1149-PWS-E

PCW

Respondent Darrell Hall dba 2620 Estates

Policy Revision 2 (September 2002)

Case ID No. 40039

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103018818

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

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

Violation Description Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, at the time of the investigation, the distribution system pressure was measured to be 30 psi at 3686 County Road 227. Additionally, a follow up visit was conducted on April 30, 2010 to retrieve a pressure recorder that was installed at the flush valve on County Road 227 near Well No. 1. The data on the pressure recorder documented that the distribution system pressure dropped to 32 psi on April 21, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose 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 2 Number of violation days 2

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$200

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$341

This violation Final Assessed Penalty (adjusted for limits) \$341

Economic Benefit Worksheet

Respondent Darrell Hall dba 2620 Estates
Case ID No. 40039
Reg. Ent. Reference No. RN103018818
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	20-Apr-2010	1-Mar-2011	0.86	\$3	\$58	\$60
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 necessary to provide proper maintenance on the Facility's pressure equipment to ensure that a minimum distribution system pressure of at least 35 psi is maintained, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$60

Compliance History Report

Customer/Respondent/Owner-Operator: CN602553489 HALL, DARRELL Classification: Rating:
Regulated Entity: RN103018818 2620 ESTATES Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0930063
Location: ALONG CR 227, OFF FM 2620, 8 MILES SOUTH OF BEDIAS,
GRIMES COUNTY, TX
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: July 14, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 14, 2005 to July 14, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/31/2009

ADMINORDER 2008-0834-PWS-E

Classification: Minor

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

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(m)

Description: Failed to provide written notification to the Commission of the startup of a new public water supply system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
5A THSC Chapter 341, SubChapter A 341.035(c)

Description: Failed to submit detailed engineering reports prior to activating a new public water supply system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)

Description: Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to provide an intruder-resistant fence in order to protect the wells and pressure tanks.

- 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 03/10/2010 (789468)

2 04/01/2010 (784601)

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

Date: 12/08/2008 (707249) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failed to provide an intruder-resistant fence in order to protect the wells and pressure tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post an ownership sign at the water plant.

Date: 12/19/2008 (709181) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

Date: 01/20/2009 (721786) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.

Date: 07/14/2009 (747332) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
Description: Failure to meet the secondary constituent maximum contamination level for manganese.

Date: 03/17/2010 (789468) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
Description: Failure to meet the secondary constituent maximum contamination level for manganese.

Date: 03/31/2010 (784601) CN602553489
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
5A THSC Chapter 341, SubChapter A 341.035(c)
Description: Failed to submit detailed engineering reports prior to activating a new public water supply system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)
Description: Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failed to provide an intruder-resistant fence in order to protect the wells and

pressure tanks.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING DARRELL HALL	§	TEXAS COMMISSION ON
DBA 2620 ESTATES	§	
RN103018818	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1149-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Darrell Hall dba 2620 Estates (“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 presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply along County Road 227 off Farm-to-Market Road 2620, eight miles south of Bedias in Grimes County, Texas (the “Facility”) that has approximately 53 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on April 20, 2010, TCEQ staff documented that the Respondent did not operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, at the time of the investigation, the disinfectant residual was measured to be 0.00 mg/L free chlorine at the flush valve on County Road 227 near Well No. 1. Additionally, during follow-up visits to the Facility, the disinfectant residual was measured to be 0.05 mg/L free chlorine at the flush valve on County Road 227 near Well No. 1 on April 30, 2010 and 0.06 mg/L free chlorine at 15128 County Road 229 on May 5, 2010.
3. During an investigation conducted on April 20, 2010, TCEQ staff documented that the Respondent did not comply with the maximum secondary constituent level ("MSCL") for iron of 0.3 mg/L and manganese of 0.05 mg/L. Specifically, at the time of the investigation, one raw water and one treated water sample was taken from Well No. 3 for the analysis of iron and manganese levels. Laboratory tests found that the amount of iron in the treated water sample was 2.02 mg/L which exceeds the MSCL of 0.3 mg/L for iron. Additionally, the amount of manganese in the raw water sample was measured to be 0.720 mg/L and 0.675 mg/L in the treated water sample, which exceeds the MSCL of 0.05 mg/L for manganese.
4. During an investigation conducted on April 20, 2010, TCEQ staff documented that the Respondent did not keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that the following records were not available for review: disinfectant residual monitoring logs from August 2009 through March 2010 and a copy of an agreement between the Respondent and the property owner demonstrating that Well Nos. 4 and 5 were returned to the property owner.
5. During an investigation conducted on April 20, 2010, TCEQ staff documented that the Respondent did not submit detailed engineering reports prior to activating a new public water supply system.
6. During an investigation conducted on April 20, 2010, TCEQ staff documented that the Respondent did not maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, at the time of the investigation, the distribution system pressure was measured to be 30 psi at 3686 County Road 227. Additionally, a follow up visit was conducted on April 30, 2010 to retrieve a pressure recorder that was installed at the flush valve on County Road 227 near Well No. 1. The data on the pressure recorder documented that the distribution system pressure dropped to 32 psi on April 21, 2010.
7. The Respondent received notice of the violations on July 13, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MSCL for iron and manganese, in violation of 30 TEX. ADMIN. CODE § 290.118(b).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iii).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to submit detailed engineering reports prior to activating a new public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and TEX. HEALTH & SAFETY CODE § 341.035(c) and TCEQ Agreed Order Docket No. 2008-0834-PWS-E Ordering Provision No. 2.b.
6. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain a minimum pressure of 35 psi throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(r).
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of One Thousand Four Hundred Ninety-Seven Dollars (\$1,497) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Four Hundred Ninety-Seven Dollar (\$1,497) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Four Hundred Ninety-Seven Dollars (\$1,497) as set forth in Section II, Paragraph 8

above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Darrell Hall dba 2620 Estates, Docket No. 2010-1149-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. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin operating the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference, including but limited to disinfectant residual monitoring logs from August 2009 through March 2010 and a copy of an agreement between the Respondent and the property owner demonstrating that Well Nos. 4 and 5 were returned to the property owner, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin maintaining a minimum pressure of 35 psi throughout the distribution system at all times, 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. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 180 days after the effective date of this Agreed Order:

- i. Begin providing water that meets the MSCL for iron and manganese, in accordance with 30 TEX. ADMIN. CODE § 290.118; and
- ii. Submit accurate, up-to-date and detailed as-built plans and specifications for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans shall be submitted to:

Water Supply Division
Utility Creation & Plan Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. 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.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Darrell Hall dba 2620 Estates
DOCKET NO. 2010-1149-PWS-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/4/2011

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Darrell Hall dba 2620 Estates. I am authorized to agree to the attached Agreed Order on behalf of Darrell Hall dba 2620 Estates, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Darrell Hall dba 2620 Estates waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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 

2-25-11

Date

Darrell Hall

Name (Printed or typed)
Authorized Representative of
Darrell Hall dba 2620 Estates

Partner

Title

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