

Executive Summary – Enforcement Matter – Case No. 40305
David T. Gillott d/b/a T L Water Jones Acres
RN101196905
Docket No. 2010-1418-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
Approximately one mile north of FM 3433 and FM 718 in Newark, Wise County

Type of Operation:
Retail public utility - Public water system

Other Significant Matters:

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

Texas Register Publication Date: May 27, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$1,785
Amount Deferred for Expedited Settlement:	N/A
Amount Deferred for Financial Inability to Pay:	N/A
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$1,785

Compliance History Classifications:
Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date of Investigation(s): September 3, 2009 and July 13, 2010
Date(s) of NOV(s): October 2, 2009
Date(s) of NOE(s): July 19, 2010

Violation Information

1. Failed to obtain a sanitary control easement that covers all land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
2. Failed to provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1 [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a minimum service pump capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to provide a well capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1)].
5. Failed to provide ground storage tanks that are designed and fabricated in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(2)].
6. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
7. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
8. Failed to ensure the good working condition of the Facility's equipment and mechanical devices [30 TEX. ADMIN. CODE § 290.46(m)(6)].
9. Failed to make all water system records available for review by Commission personnel at the time of an investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii) and (f)(3)(D)(ii)].
10. Failed to securely install all electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].
11. Failed to maintain a copy of the well completion data on file at the Facility [30 TEX. ADMIN. CODE § 290.46(n)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days:
 - a. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements;
 - b. Develop a thorough and up-to-date plant operations manual for operator review and reference;
 - c. Ensure the good working condition of the Facility's equipment and mechanical devices, including but not limited to, repairing or replacing the nonfunctioning pressure gauges on the two 1,000 gallon pressure tanks;
 - d. Develop a record keeping system to ensure that all water system records can be made available for review by Commission personnel at the time of an investigation (includes: ANSI/NSF Standard 60 Certification for the calcium hypochlorite disinfectant; the amount of chemicals used each week; the amount of water treated each week; complaint records which include the date, location, and nature of the water quality, pressure, or outage complaints and the results of any subsequent complaint investigations; and inspections for all water storage and pressure maintenance facilities; and
 - e. Securely install all electrical wiring at the pump station in compliance with a local or national electrical code.
2. Within 90 days:
 - a. Obtain sanitary control easements that cover all land within 150 feet of well nos. 1 and 2, and
 - b. Begin maintaining copies of the well completion data for well nos. 1 and 2 on file at the Facility.
3. Within 180 days:
 - a. Provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1;
 - b. Provide a minimum service pump capacity of 2.0 gpm per connection;
 - c. Provide a well capacity of 0.6 gpm per connection; and
 - d. Install roof openings on the Facility's two ground storage tanks that are designed and fabricated in accordance with AWWA standards.
4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1.
 - b. Within 105 days for Technical Requirement No. 2.
 - c. Within 195 days for Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed:	January 6, 2011
Date(s) Green Card(s) Signed:	January 18, 2011
Date(s) Answer(s) Filed:	N/A
SOAH Referral Date:	N/A
Hearing Dates:	N/A

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RN101196905
Docket No. 2010-1418-PWS-E

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Contact Information

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

TCEQ Enforcement Coordinator: Rebecca Clausewitz, Water Enforcement Section, (210) 403-4012

TCEQ Regional Contact: Sid Slocum, Dallas/Fort Worth Regional Office, (817) 588-5901

Respondent: Mr. David T. Gillott, 249 County Road 4845, Newark, Texas 79071

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	19-Jul-2010	Screening	4-Aug-2010	EPA Due	
	PCW	6-Dec-2010				

RESPONDENT/FACILITY INFORMATION						
Respondent	David T. Gillott dba T L Water Jones Acres					
Reg. Ent. Ref. No.	RN101196905					
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	40305	No. of Violations	11			
Docket No.	2010-1418-PWS-E	Order Type	1660			
Media Program(s)	Public Water Supply	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Rebecca Clausewitz			
		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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$85
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Notes	Enhancement for one prior NOV with same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,256	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$9,015	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,785
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$1,785
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,785
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited cases.
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PAYABLE PENALTY	\$1,785
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Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one prior NOV with same/similar violations.

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

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to obtain a sanitary control easement that covers all land within 150 feet of the well. Specifically, at the time of the record review, it was noted that there are no sanitary control easements covering the land around well nos. 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to have sanitary control easements surrounding the wells sites could result in contaminants entering the wells and exposing the customers of the Facility to insignificant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 22

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

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

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 \$5

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40	3-Sep-2009	30-Jun-2011	1.82	\$0	\$5	\$5
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 file two sanitary control easements, calculated from the date of the initial investigation 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

\$40

TOTAL

\$5

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1. Specifically, with 40 connections in pressure plane no. 1 and with well no. 2 off-line, a minimum of 8,000 gallons of storage should be provided. At the time of the record review, it was noted that there are two ground storage tanks in pressure plane no. 1 providing a total of 6,000 gallons of storage, which is a 25% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without adequate storage capacity, the customers of the Facility could experience water shortages or outages which could result in a significant amount of contaminants entering the distribution system, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 22

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 record review, July 13, 2010, to the date of case screening, August 4, 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 \$624

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
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)	\$4,300	3-Sep-2009	30-Sep-2011	2.07	\$30	\$595	\$624
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to increase the total ground storage capacity to a minimum of 200 gallons per connection, calculated from the date of the initial investigation 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

\$4,300

TOTAL

\$624

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum service pump capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, with 40 connections, a total of 80 gpm of service pump capacity should be provided. On the date of the record review, it was noted that there are three service pumps providing a total of 70 gpm, which is a 13% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Without sufficient service pump capacity, the customers of the Facility could experience water shortages or backflow which could result in a significant amount of contaminants entering the system, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 22 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 record review, July 13, 2010, to the date of case screening, August 4, 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 \$145

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	3-Sep-2009	30-Sep-2011	2.07	\$7	\$138	\$145
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to increase the total service pump capacity to a minimum of 2.0 gpm per connection, calculated from the date of the initial investigation 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

\$145

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

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

Violation Description

Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connector. Specifically, with 40 connections, a total of 24 gpm of well capacity should be provided. On the date of the record review, it was noted that well no. 1 was providing a total of 16 gpm, which is a 33% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without sufficient well capacity, the customers of the Facility could experience water shortages or deficiencies, resulting in a significant amount of contaminants entering the system, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 22 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 record review, July 13, 2010, to the date of case screening, August 4, 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 \$73

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	3-Sep-2009	30-Sep-2011	2.07	\$3	\$69	\$73
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to increase the total well capacity to a minimum of 0.6 gpm per connection, calculated from the date of the initial investigation 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

\$500

TOTAL

\$73

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)

Violation Description

Failed to provide ground storage tanks that are designed and fabricated in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the record review, it was noted that the Facility's two ground storage tanks do not have roof openings that meet AWWA requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
If the storage tanks are not compliant with AWWA standards, tank integrity and cleanliness could be compromised and could cause customers to be exposed to significant amounts of contaminants, which would not exceed levels protective of human health.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 22 Number of violation days

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

One quarterly event is recommended, calculated from the date of the record review, July 13, 2010, to the date of case screening, August 4, 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 \$290

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
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	\$2,000	3-Sep-2009	30-Sep-2011	2.07	\$14	\$277	\$290
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 retro-fit the two storage tanks with AWWA compliant roof openings, calculated from the date of the initial investigation 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

\$2,000

TOTAL

\$290

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

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

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 22 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	3-Sep-2009	30-Apr-2011	1.65	\$15	n/a	\$15
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and implement an up-to-date chemical and microbiological monitoring plan for the Facility, calculated from the date of the initial investigation 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

\$15

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

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

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR Release Actual Potential Harm Major Moderate Minor Percent 0%

>> Programmatic Matrix

Matrix Notes Falsification Major Moderate Minor Percent 10% 100% of the rule requirement is not met

Adjustment \$900

\$100

Violation Events

1 22 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 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 \$15 Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 7

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	\$180	3-Sep-2009	30-Apr-2011	1.65	\$15	n/a	\$15
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 compile and maintain an up-to-date plant operations manual for the Facility, calculated from the date of the initial investigation 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

\$15

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(6)

Violation Description Failed to ensure the good working condition of the Facility's equipment and mechanical devices. Specifically, at the time of the record review, it was noted that the pressure gauges on the two 1,000 gallon pressure tanks were not functioning properly.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes If the pressure gauges are not functioning, pressure cannot be monitored, resulting in possible tank integrity issues or low pressure problems, which could cause customers to be exposed to significant amounts of contaminants, which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

		2	22	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$500
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Two monthly events are recommended (one event per pressure tank), calculated from the date of the record review, July 13, 2010, to the date of case screening, August 4, 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
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
No commas or \$							

Delayed Costs

Equipment	\$300	3-Sep-2009	30-Jun-2011	1.82	\$2	\$36	\$38
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to replace the two broken pressure gauges, calculated from the date of the initial investigation 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

\$300

TOTAL

\$38

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii) and (f)(3)(D)(ii)

Violation Description

Failed to make all water system records available for review by Commission personnel at the time of an investigation. Specifically, on the date of the record review, it was noted that the Respondent could not provide the following records: the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 Certification for the calcium hypochlorite disinfectant used at the Facility, the records of the amount of chemicals used each week, the records of the amount of water treated each week, complaint records which include the date, location, and nature of the water quality, pressure, or outage complaints received by the Facility and the results of any subsequent complaint investigations, and the results of inspections for all water storage and pressure maintenance facilities.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
			x		5%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 22 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 \$19

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 9

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	\$225	3-Sep-2009	30-Apr-2011	1.65	\$19	n/a	\$19
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 establish and begin maintaining a record keeping system for the following records: the ANSI/NSF Standard 60 Certification for the calcium hypochlorite disinfectant, records of the amount of chemicals used each week, records of the amount of water treated each week, complaint records, and the results of inspections for all water storage and pressure maintenance facilities (\$45 per missing record). The date required is the date of the initial investigation documenting the violation and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$225

TOTAL \$19

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 10

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

Violation Description Failed to securely install all electrical wiring in compliance with a local or national electrical code. Specifically, at the time of the record review, it was noted that electrical wires at the pump station were loose and not installed in a conduit.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Loose wiring can expose the employees of the water system to significant electrical dangers which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 22 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended, calculated from the date of the record review, July 13, 2010, to the date of case screening, August 4, 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 \$23

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	3-Sep-2009	30-Apr-2011	1.65	\$1	\$22	\$23
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 install all loose electrical wiring at the pump station in accordance with a local or national electrical code, calculated from the date of the initial investigation 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

\$200

TOTAL

\$23

Screening Date 4-Aug-2010

Docket No. 2010-1418-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 40305

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)

Violation Description Failed to maintain a copy of the well completion data on file at the Facility. Specifically, at the time of the record review, it was noted that well completion data for well nos. 1 and 2 was not available for review at the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 22 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

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

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 40305
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 11

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	3-Sep-2009	30-Jun-2011	1.82	\$8	n/a	\$8
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 create a record keeping system for the well completion data for well nos. 1 and 2 (\$45 per well), calculated from the date of the initial investigation 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

\$90

TOTAL

\$8

Compliance History Report

Customer/Respondent/Owner-Operator: CN603554551 Gillott, David T Classification: Rating:
 Regulated Entity: RN101196905 T L Water Jones Acres Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2490018
 Location: 1 mile north of FM 3433 and FM 718, Newark, Wise County, Texas
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: August 13, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 13, 2005 to August 13, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

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

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 08/15/2007 (645659)
 - 2 11/01/2007 (646114)
 - 3 08/29/2008 (687523)
 - 4 10/08/2009 (775388)
 - 5 04/13/2010 (797900)
 - 6 07/19/2010 (841316)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	10/02/2009 (775388)	CN603554551	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to install an operable flow meter on the well #2 (G0490018B) pump discharge line.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	No record of sanitary easements for the wells.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii)		
Description:	Failure to provide 200 gallons per connection total storage capacity for Pressure Plane #1.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)		
Description:	Failure to provide a minimum of 2.0 gallons per minute per connection service pump capacity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)		
Description:	Failure to provide an AWWA certified ground storage tank with the proper roof opening installed.		

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
Description: Failure to employ a certified operator.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to compile and maintain an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure to provide all pressure tanks with pressure release devices and easily readable pressure gauges.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to provide documentation indicating ANSI/NSF Standard 60 certification of the hypo-chlorite/bleach used.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
Description: Failure to properly document and respond to complaint received by the system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to install electrical wiring in conduit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to compile and maintain a complete record of water works monthly operation and maintenance activities.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
Description: Failure to provide a minimum well production capacity of 0.6 GPM per connection.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failure to provide the well completion data (well logs) for Well #1 (G24900018A) and Well #2 (G2490018B).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to conduct annual ground storage and pressure tank inspections.

- 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
DAVID T. GILLOTT D/B/A
T L WATER JONES ACRES;
RN101196905**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-1418-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is David T. Gillott d/b/a T L Water Jones Acres ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located approximately one mile north of Farm-to-Market Road 3433 and Farm-to-Market Road 718 in Newark, Wise County, Texas (the "Facility"). The Facility provides water for human consumption, has 40 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on September 3, 2009, and a record review conducted on July 13, 2010, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
 - a. Failed to obtain a sanitary control easement that covers all land within 150 feet of the well. Specifically, it was noted that there are no sanitary control easements covering the land around well nos. 1 and 2;
 - b. Failed to provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1. Specifically, with 40 connections in pressure plane no. 1 and with well no. 2 off-line, a minimum of 8,000 gallons of storage should be provided; there are two ground storage tanks in pressure plane no. 1 providing a total of 6,000 gallons of storage, which is a 25% deficiency;
 - c. Failed to provide a minimum service pump capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, with 40 connections, a total of 80 gpm of service pump capacity should be provided; there are three service pumps

- providing a total of 70 gpm, which is a 13% deficiency;
- d. Failed to provide a well capacity of 0.6 gpm per connection. Specifically, with 40 connections, a total of 24 gpm of well capacity should be provided; well no. 1 was providing a total of 16 gpm, which is a 33% deficiency;
 - e. Failed to provide ground storage tanks that are designed and fabricated in accordance with American Water Works Association ("AWWA") standards. Specifically, the Facility's two ground storage tanks do not have roof openings that meet AWWA requirements;
 - f. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements;
 - g. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
 - h. Failed to ensure the good working condition of the Facility's equipment and mechanical devices. Specifically, the pressure gauges on the two 1,000 gallon pressure tanks were not functioning properly;
 - i. Failed to make all water system records available for review by Commission personnel at the time of an investigation. Specifically, it was noted that Respondent could not provide the following records: the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 Certification for the calcium hypochlorite disinfectant used at the Facility; the records of the amount of chemicals used each week; the records of the amount of water treated each week; complaint records which include the date, location, and nature of the water quality, pressure, or outage complaints received by the Facility and the results of any subsequent complaint investigations; and the results of inspections for all water storage and pressure maintenance facilities;
 - j. Failed to securely install all electrical wiring in compliance with a local or national electrical code. Specifically, the electrical wires at the pump station were loose and not installed in a conduit; and
 - k. Failed to maintain a copy of the well completion data on file at the Facility. Specifically, the well completion data for well nos. 1 and 2 was not available for review at the Facility.
3. Respondent received notice of the violations on or about July 24, 2010.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of David T. Gillott d/b/a T L Water Jones Acres" (the "EDPRP") in the TCEQ Chief Clerk's office on January 6, 2011.

5. By letter dated January 6, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on January 18, 2011, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the provided by the Executive Director. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to obtain a sanitary control easement that covers all land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a minimum service pump capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(a)(1).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide ground storage tanks that are designed and fabricated in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to ensure the good working condition of the Facility's equipment and mechanical devices, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6).

10. As evidenced by Finding of Fact No. 2.i., Respondent failed to make all water system records available for review by Commission personnel at the time of an investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii) and (f)(3)(D)(ii).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to securely install all electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to maintain a copy of the well completion data on file at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
13. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).
14. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of one thousand seven hundred eighty-five dollars (\$1,785.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
17. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of one thousand seven hundred eighty-five dollars (\$1,785.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and

shall be sent with the notation "Re: David T. Gillott d/b/a T L Water Jones Acres; Docket No. 2010-1418-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Finding of Fact No. 2.f.);
 - ii. Develop a thorough and up-to-date plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Finding of Fact No. 2.g.);
 - iii. Ensure the good working condition of the Facility's equipment and mechanical devices, including but not limited to, repairing or replacing the nonfunctioning pressure gauges on the two 1,000 gallon pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46(m) (Finding of Fact No. 2.h.);
 - iv. Develop a recordkeeping system to ensure that all water system records can be made available for review by Commission personnel at the time of an investigation, in accordance with 30 TEX. ADMIN. CODE § 290.42. The recordkeeping system shall include, but not be limited to the following records: the ANSI/NSF Standard 60 Certification for the calcium hypochlorite disinfectant used at the Facility; the records of the amount of chemicals used each week; the records of the amount of water treated each week; complaint records which include the date, location, and nature of the water quality, pressure, or outage complaints received by the Facility and the results of any subsequent complaint investigations; and the results of inspections for all water storage and pressure maintenance facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46(f) (Finding of Fact No. 2.i.); and
 - v. Securely install all electrical wiring at the pump station in compliance with a local or national electrical code, in accordance with 30 TEX. ADMIN. CODE § 290.46(v) (Finding of Fact No. 2.j.).
 - b. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 90 days after the effective date of this Order, Respondent shall:
 - i. Obtain sanitary control easements that cover all land within 150 feet of well nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Finding of Fact No. 2.a.); and
 - ii. Begin maintaining copies of the well completion data for well nos. 1 and 2 on file at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46(n) (Finding of Fact No. 2.k.).
- d. Within 105 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 180 days after the effective date of this Order, Respondent shall:
 - i. Provide a minimum total storage capacity of 200 gallons per connection in pressure plane no. 1, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Finding of Fact No. 2.b.);
 - ii. Provide a minimum service pump capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Finding of Fact No. 2.c.);
 - iii. Provide a well capacity of 0.6 gpm per connecton, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Finding of Fact No. 2.d.); and
 - iv. Install roof openings on the Facility's two ground storage tanks that are designed and fabricated in accordance with AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Finding of Fact No. 2.e.).
- f. Within 195 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 3.e.
- g. The certifications required by these Ordering Provisions 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 fine and imprisonment for knowing violations."

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

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEYTANG

STATE OF TEXAS

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COUNTY OF TRAVIS

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of David T. Gillott d/b/a T L Water Jones Acres" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 6, 2011.

The EDPRP was mailed to Respondent's last known address on January 6, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on January 18, 2011, as evidenced by the signature on the card.

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

Peipey Tang

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

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

Given under my hand and seal of office this 4th day of May, A.D. 2011.

Margaret Jackson
Notary Signature

