

Executive Summary – Enforcement Matter – Case No. 35120
Ghuman Enterprise Inc. dba Amatos Food Mart 3
RN104162300
Docket No. 2012-0714-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Amatos Food Mart 3, 10675 Highway 242, Conroe, Montgomery County

Type of Operation:

Gas station and convenience store with a public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,079

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,079

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: \$38

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 35120
Ghuman Enterprise Inc. dba Amatos Food Mart 3
RN104162300
Docket No. 2012-0714-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 24 and December 16, 2011

Date(s) of NOE(s): March 2, 2012

Violation Information

1. Failed to submit and receive Executive Director (“ED”) approval of “as-built” plans and specifications for the Facility, prepared by a licensed, professional engineer, prior to constructing and operating a public water supply system [30 TEX. ADMIN. CODE § 290.39(c), (d)(1) and (h)(1), TEX. HEALTH & SAFETY CODE § 341.035(a)(2) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.ii.].
2. Failed to 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 and reporting requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.a.i.].
3. Failed to provide a copy of the well completion data to the ED and receive approval for the use of the well prior to placing the well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.a.ii.].
4. Failed to provide an intruder-resistant fence to protect the well unit which includes a six foot high fence with a lockable gate and three strands of barbed wire extending outward from the top of the fence at a 45 degree angle [30 TEX. ADMIN. CODE § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.i.].
5. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.iii.].
6. Failed to have the backflow prevention assembly tested upon installation and then tested at least once per year by a certified backflow prevention assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].
7. Failed to calibrate the well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
8. Failed to conduct an annual inspection of the pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(C)].

Executive Summary – Enforcement Matter – Case No. 35120
Ghuman Enterprise Inc. dba Amatos Food Mart 3
RN104162300
Docket No. 2012-0714-PWS-E

9. Failed to maintain the results of microbiological analyses on file and available for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(D)(i)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. On June 8, 2011, the annual inspection of the pressure tank was conducted;
- b. As of December 16, 2011, the leaking Schrader valve on the well was repaired;
- c. As of December 28, 2011, a record keeping system was developed to maintain the results of microbiological analyses on file and available for review during inspections;
- d. On January 17, 2012:
 - i. An intruder-resistant fence with a lockable gate was installed around the well site; and
 - ii. The annual backflow test was performed on the reduced pressure zone assembly; and
- e. On March 24, 2012, an up-to-date chemical and microbiological monitoring plan was provided.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, properly calibrate the well meter.
- b. Within 60 days, submit written certification and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision a.
- c. Within 90 days:
 - i. Submit “as-built” plans and specifications for the Facility prepared by a licensed, professional engineer; and
 - ii. Provide a copy of the well completion data to the ED for review and approval. The well completion data will include, but is not limited to, the following information: a sanitary control easement covering all property within 150 feet of the well, the well driller’s log which includes the geological log and material setting report, a cementing

Executive Summary – Enforcement Matter – Case No. 35120
Ghuman Enterprise Inc. dba Amatos Food Mart 3
RN104162300
Docket No. 2012-0714-PWS-E

certificate, and a copy of the U.S. Geological Survey 7.5-minute topographical quadrangle showing the accurate well location.

- d. Respond completely and adequately to all Commission requests for additional information concerning the well completion data and the “as-built” plans and specifications within 30 days of the request, or by any other deadline specified in writing.
- e. Within 105 days, submit written certification and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provisions c.i. and c.ii.
- f. Within 180 days:
 - i. Obtain ED approval of the “as-built” plans and specifications submitted for the Facility; and
 - ii. Obtain ED approval of the use of the Facility’s well as a public water supply source.
- g. Within 195 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2576; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Pirtal Singh, President, Ghuman Enterprise Inc., 14 Cypress Lake Place, The Woodlands, Texas 77382
Respondent's Attorney: N/A

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

TCEQ DATES
 Assigned
 PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION
 Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No.	<input type="text" value="35120"/>	No. of Violations	<input type="text" value="9"/>
Docket No.	<input type="text" value="2012-0714-PWS-E"/>	Order Type	<input type="text" value="Findings"/>
Media Program(s)	<input type="text" value="Public Water Supply"/>	Government/Non-Profit	<input type="text" value="No"/>
Multi-Media	<input type="text"/>	Enf. Coordinator	<input type="text" value="Rebecca Clausewitz"/>
		EC's Team	<input type="text" value="Enforcement Team 2"/>

Admin. Penalty \$ Limit Minimum Maximum

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

Culpability Enhancement **Subtotal 4**

Notes

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

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

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	2	4%
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) 29%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(c), (d)(1) and (h)(1), Texas Health & Safety Code § 341.035(a)(2) and Texas Commission on Environmental Quality ("TCEQ") Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.ii.

Violation Description Failed to submit and receive Executive Director approval of "as-built" plans and specifications for the Facility, prepared by a licensed, professional engineer, prior to constructing and operating a public water supply system. Specifically, at the time of the May 24 and December 16, 2011 investigations, it was documented that plans and specifications for the Facility had not been submitted to the Executive Director for review and approval.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 1358 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 \$642 Violation Final Penalty Total \$138

This violation Final Assessed Penalty (adjusted for limits) \$138

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	3-Jul-2008	31-Jan-2013	4.58	\$31	\$611	\$642
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 have a licensed, professional engineer prepare and submit "as-built" plans and specifications for the Facility and the Respondent to obtain Executive Director approval of the plans and specifications, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-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	\$2,000	TOTAL	\$642
-----------------------------------	---------	--------------	-------

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No 2.a.i.

Violation Description

Failed to 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 and reporting requirements. Specifically, at the time of the May 24 and December 16, 2011 investigations, no monitoring plan could be provided by the Respondent.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1358

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

10.0% Reduction

\$10

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

Notes

The Respondent achieved compliance with this violation on March 24, 2012.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$128

This violation Final Assessed Penalty (adjusted for limits) \$128

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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)	\$45	3-Jul-2008	24-Mar-2012	3.73	\$1	\$11	\$12
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to prepare a comprehensive chemical and microbiological monitoring plan, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-PWS-E, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$12

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.a.ii.

Violation Description

Failed to provide a copy of the well completion data to the Commission's Executive Director and receive approval for the use of the well prior to placing the well into service. Specifically, at the time of the May 24 and December 16, 2011 investigations, it was documented that the following had not been provided to the Executive Director to obtain approval of the well: a sanitary control easement covering all property within 150 feet of the well, the well driller's log which includes the geological log and material setting report, a cementing certificate, and a copy of the United States Geological Survey 7.5-minute topographical quadrangle showing the accurate well location.

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		5%

Matrix Notes

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 1358 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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 \$315

Violation Final Penalty Total \$69

This violation Final Assessed Penalty (adjusted for limits) \$69

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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
<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	\$1,000	3-Jul-2008	31-Dec-2012	4.50	\$15	\$300	\$315
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and submit the well completion data for review and approval by the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-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	\$1,000	TOTAL	\$315
-----------------------------------	---------	--------------	-------

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.i.

Violation Description Failed to provide an intruder-resistant fence to protect the well unit which includes a six foot high fence with a lockable gate and three strands of barbed wire extending outward from the top of the fence at a 45 degree angle. Specifically, at the time of the May 24 and December 16, 2011 investigations, barbed wire was not installed at the top of the fence and the hinges on the gate were broken.

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 As a result of this violation, customers of the Facility could 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 15 1293 Number of violation days

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

Violation Base Penalty \$1,500

Fifteen quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-PWS-E, July 3, 2008, to the date of compliance, January 17, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$375

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

Notes The Respondent achieved compliance with this violation as of January 17, 2012.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$496

Violation Final Penalty Total \$1,673

This violation Final Assessed Penalty (adjusted for limits) \$1,673

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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	\$2,000	3-Jul-2008	17-Jan-2012	3.54	\$24	\$472	\$496
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to install an intruder-resistant fence, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-PWS-E, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$496

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.iii.

Violation Description

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, at the time of the May 24, 2011 investigation, the Schrader valve on the well was documented to be leaking.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

As a result of this violation, customers of the Facility could 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 14

1261 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,400

Fourteen quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-PWS-E, July 3, 2008, to the documented date of compliance, December 16, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$350

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

Notes The Respondent achieved compliance with this violation as of December 16, 2011.

Violation Subtotal \$1,050

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$97

Violation Final Penalty Total \$1,561

This violation Final Assessed Penalty (adjusted for limits) \$1,561

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	3-Jul-2008	16-Dec-2011	3.45	\$5	\$92	\$97
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leaking valve on the well, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-2021-PWS-E, to the documented 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

\$400

TOTAL

\$97

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description Failed to have the backflow prevention assembly tested upon installation and then tested at least once per year by a certified backflow prevention assembly tester. Specifically, at the time of the May 24 and December 16, 2011 investigations, it was documented that the Facility had a reduced pressure zone assembly installed, but no backflow test had been performed on the assembly within the previous year.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes As a result of this violation, customers of the Facility could 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 Number of violation days 365

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

Violation Base Penalty \$100

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$25

Table with rows: Extraordinary, Ordinary (marked with x), N/A (marked with x).

Notes The Respondent achieved compliance with this violation on January 17, 2012.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$112

This violation Final Assessed Penalty (adjusted for limits) \$112

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

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]	\$45	24-May-2011	17-Jan-2012	1.57	\$4	\$45	\$49
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to have the annual backflow prevention assembly test conducted, calculated from the date of the initial investigation to the date of compliance.

Approx. Cost of Compliance \$45

TOTAL \$49

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

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

Violation Description Failed to calibrate the well meter at least once every three years. Specifically, at the time of the May 24 and December 16, 2011 investigations, no calibration had been conducted on the well meter in the last three years.

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 calibrate the well meter could cause inaccurate water usage and production data which could impact the treatment process, exposing customers of the Facility to an insignificant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

1

1095 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$179

Violation Final Penalty Total \$69

This violation Final Assessed Penalty (adjusted for limits) \$69

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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				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]	\$150	24-May-2008	24-May-2011	3.92	\$29	\$150	\$179
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the well meter, calculated for the three year period prior to the date of the initial investigation.

Approx. Cost of Compliance

\$150

TOTAL

\$179

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

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

Violation Description Failed to conduct an annual inspection of the Facility's pressure tank. Specifically, at the time of the May 24, 2011 investigation, it was noted that the pressure tank had not been inspected within the previous year.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes As a result of this violation, customers of the Facility could be exposed to contaminants, which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

1

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$250

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$62

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent achieved compliance with this violation on June 8, 2011.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$279

This violation Final Assessed Penalty (adjusted for limits) \$279

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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				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	\$41	24-May-2010	8-Jun-2011	1.04	\$2	\$43	\$45
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct an annual inspection of the pressure tank calculated from one year prior to the date of the initial investigation, to the date of compliance.

Approx. Cost of Compliance \$41

TOTAL \$45

Screening Date 22-Mar-2012

Docket No. 2012-0714-PWS-E

PCW

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3

Policy Revision 2 (September 2002)

Case ID No. 35120

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104162300

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 9

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

Violation Description

Failed to maintain the results of microbiological analyses on file and available for review during inspections. Specifically, at the time of the May 24 and December 16, 2011 investigations, copies of the bacteriological analysis results for February 2010, August 2010, September 2010, March 2011, and April 2011 could not be made available.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

218 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2

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

Notes

The Respondent achieved compliance with this violation as of December 28, 2011.

Violation Subtotal \$8

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent Ghuman Enterprise Inc. dba Amatos Food Mart 3
Case ID No. 35120
Req. Ent. Reference No. RN104162300
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	\$45	24-May-2011	28-Dec-2011	0.60	\$1	n/a	\$1
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 an estimated amount to create a record keeping system for the microbiological analysis results, calculated from the date of the initial investigation documenting the violation, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$45	TOTAL	\$1
-----------------------------------	------	--------------	-----

Compliance History Report

Customer/Respondent/Owner-Operator: CN602570277 Ghuman Enterprise Inc. Classification: Average Rating: 2.00
Regulated Entity: RN104162300 Amatos Food Mart 3 Classification: Average Site Rating: 2.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 76312
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700737
Location: 10675 HIGHWAY 242, CONROE, MONTGOMERY COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 22, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 22, 2007 to March 22, 2012
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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

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: 07/03/2008

ADMINORDER 2007-2021-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to develop a system monitoring plan that shows specified location(s) where bacteriological samples will be collected.

Classification: Moderate

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

Description: Failure to submit well completion data or an exception to the requirement at the time of the investigation.

Classification: Minor

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

Description: Failure to provide an intruder-resistant fence or vented, locked well house at the time of the investigation.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)

30 TAC Chapter 290, SubChapter D 290.46(n)(1)

Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review and approval.

Classification: Minor

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

Description: Failure to repair or replace the leaking schraeder valve located on the well.

- 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	09/10/2007	(570971)
2	10/08/2007	(596595)
3	12/06/2007	(609182)
4	10/11/2010	(844096)
5	01/25/2011	(892931)
6	03/02/2012	(921814)

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

Date: 09/10/2007 (570971) CN602570277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)
Description: Failure to have a triennial Stage II test conducted.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)
Description: Failure to post operating instructions on each dispenser.

Date: 10/08/2007 (596595) CN602570277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)
Description: Failure to have a triennial Stage II test conducted.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)
Description: Failure to post operating instructions on each dispenser.

Date: 01/25/2011 (892931) CN602570277
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to develop a system monitoring plan that shows specified location(s) where bacteriological samples will be collected.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to submit well completion data or an exception to the requirement at the time of the investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to provide an intruder-resistant fence or vented, locked well house at the time of the investigation.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.46(n)(1)
Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review and approval.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to repair or replace the leaking schraeder valve located on the well.

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	§	
GHUMAN ENTERPRISE INC. DBA	§	TEXAS COMMISSION ON
AMATOS FOOD MART 3	§	
RN104162300	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-0714-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 Ghuman Enterprise Inc. dba Amatos Food Mart 3 (“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 it 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 gas station and convenience store with a public water supply at 10675 Highway 242 in Conroe, Montgomery County, Texas (the “Facility”) that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that “as-built” plans and specifications for the Facility had not been submitted to the Executive Director for review and approval.

3. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that no chemical and microbiological monitoring plan could be provided for the Facility.
4. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that the following items had not been provided to the Executive Director to obtain approval of the well prior to placing the well into service: a sanitary control easement covering all property within 150 feet of the well, the well driller's log which includes the geological log and material setting report, a cementing certificate, and a copy of the United States Geological Survey 7.5-minute topographical quadrangle showing the accurate well location.
5. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that an intruder-resistant fence was not provided at the Facility because barbed wire was not installed at the top of the fence and the hinges on the gate were broken.
6. During an investigation conducted on May 24, 2011, TCEQ staff documented that the Schrader valve on the well was leaking.
7. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that the Facility had a reduced pressure zone assembly installed, but no backflow test had been performed on the assembly within the previous year.
8. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that no calibration had been conducted on the well meter in the last three years.
9. During an investigation conducted on May 24, 2011, TCEQ staff documented that the pressure tank had not been inspected within the previous year.
10. During investigations conducted on May 24 and December 16, 2011, TCEQ staff documented that copies of the bacteriological analyses results for February 2010, August 2010, September 2010, March 2011, and April 2011 could not be made available.
11. The Respondent received notice of the violations on March 6, 2012.
12. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 8, 2011, the annual inspection of the pressure tank was conducted;
 - b. As of December 16, 2011, the leaking Schrader valve on the well was repaired;
 - c. As of December 28, 2011, a record keeping system was developed to maintain the results of microbiological analyses on file and available for review during inspections;

- d. On January 17, 2012:
 - i. An intruder-resistant fence with a lockable gate was installed around the well site; and
 - ii. The annual backflow test was performed on the reduced pressure zone assembly; and
- e. On March 24, 2012, an up-to-date chemical and microbiological monitoring plan was provided.

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 submit and receive Executive Director approval of "as-built" plans and specifications for the Facility, prepared by a licensed, professional engineer, prior to constructing and operating a public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(c), (d)(1) and (h)(1), TEX. HEALTH & SAFETY CODE § 341.035(a)(2) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.ii.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to 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 and reporting requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.a.i.
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide a copy of the well completion data to the Commission's Executive Director and receive approval for the use of the well prior to placing the well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.a.ii.
5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide an intruder-resistant fence to protect the well unit which includes a six foot high fence with a lockable gate and three strands of barbed wire extending outward from the top of the fence at a 45 degree angle, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.i.
6. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-2021-PWS-E, Ordering Provision No. 2.c.iii.

7. As evidenced by Findings of Fact No. 7, the Respondent failed to have the backflow prevention assembly tested upon installation and then tested at least once per year by a certified backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to calibrate the well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to conduct an annual inspection of the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(C).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to maintain the results of microbiological analyses on file and available for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(D)(i).
11. 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.
12. An administrative penalty in the amount of Four Thousand Seventy-Nine Dollars (\$4,079) 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 Four Thousand Seventy-Nine Dollar (\$4,079) 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 Four Thousand Seventy-Nine Dollars (\$4,079) as set forth in Section II, Paragraph 12 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: Ghuman Enterprise Inc. dba Amatos Food Mart 3, Docket No. 2012-0714-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. Within 30 days after the effective date of this Agreed Order, properly calibrate the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Submit "as-built" plans and specifications for the Facility prepared by a licensed, professional engineer, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Utilities Technical Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Provide a copy of the well completion data to the Commission's Executive Director for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data will include, but is not limited to, the following information: a sanitary control easement covering all property within 150 feet of the well, the well driller's log which includes the geological log and material setting report, a cementing certificate, and a copy of the United States Geological Survey 7.5-minute topographical quadrangle showing the accurate well location. The well completion data shall be submitted with the plans and specifications required by Ordering Provision No. 2.c.i. to:

Utilities Technical Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - d. Respond completely and adequately to all Commission requests for additional information concerning the well completion data and the "as-built" plans and specifications within 30 days of the request, or by any other deadline specified in writing.
 - e. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.g. below, and include detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.c.i. and 2.c.ii.

- f. Within 180 days after the effective date of this Agreed Order:
- i. Obtain Executive Director approval of the "as-built" plans and specifications submitted for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39; and
 - ii. Obtain Executive Director approval of the use of the Facility's well as a public water supply source, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- g. 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 Nos. 2.f.i. and 2.f.ii. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/21/12

Date

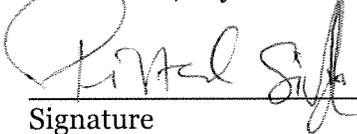
I, the undersigned, have read and understand the attached Agreed Order in the matter of Ghuman Enterprise Inc. dba Amatos Food Mart 3. I am authorized to agree to the attached Agreed Order on behalf of Ghuman Enterprise Inc. dba Amatos Food Mart 3, and do agree to the specified terms and conditions. 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, Ghuman Enterprise Inc. dba Amatos Food Mart 3 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:

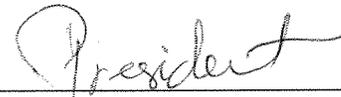
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

6-25-12
Date

PIRTAL SINGH
Name (Printed or typed)
Authorized Representative of
Ghuman Enterprise Inc. dba Amatos Food Mart 3


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.