

Executive Summary – Enforcement Matter – Case No. 40652  
PEACH CREEK DAM & LAKE CLUB  
RN101193027  
Docket No. 2010-1807-PWS-E

**Order Type:**  
Agreed Order

**Findings Order Justification:**  
N/A

**Media:**  
PWS

**Small Business:**  
N/A

**Location(s) Where Violation(s) Occurred:**  
17370 South Lakeview Drive, Houston, Montgomery County

**Type of Operation:**  
retail public utility

**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:** December 9, 2011

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$8,449

**Amount Deferred for Expedited Settlement:** N/A

**Amount Deferred for Financial Inability to Pay:** \$8,449

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

**SEP Conditional Offset:** N/A

**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(s) of Investigation:** August 17, 2010  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** October 19, 2010

***Violation Information***

1. Failed to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days using an approved test kit [30 TEX. ADMIN. CODE § 290.110(d)(1)(C) and (c)(4)(A)].
4. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Commission each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)].
5. Failed to provide an intruder-resistant fence to protect the Facility’s well and pressure tank sites [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].
6. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
7. Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
8. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class “D” or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
9. Failed to conduct an annual inspection of the Facility’s pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
10. Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
11. Failed to provide the pressure tanks with a device to readily determine air-water-volume [30 TEX. ADMIN. CODE § 290.43(d)(3)].
12. Failed to develop and maintain and make available for Commission review an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)]; and
13. Failed to provide accurate metering devices at each service connection to provide water usage data [30 TEX. ADMIN. CODE § 290.44(D)(4)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Submitted a chemical and microbiological monitoring plan on August 25, 2011 (Violation 12).

**Technical Requirements:**

1. Within 60 days:
  - a. Submit an operating agreement with Patton Village that shows that Patton Village has taken over all operations of the Facility and Respondent has ceased operating the Facility; and
  - b. Submit written certification that an Application for Sale, Transfer or Merger of a Retail Public Utility for the interconnection between Respondent and Patton Village has been submitted.
2. Within 75 days, submit written certification of compliance with Technical Requirement No. 1; and
3. Within 365 days, submit written certification that the interconnection with Patton Village has been completed.
4. Or, in lieu of Technical Requirements Nos. 1 through 3:
  - a. Within 10 days, begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days, using the amperometric titration method, ferrous titration method, or a diethyl-p-phenyldiamine (“DPD”) colorimetric method (Violation 3).
  - b. Within 30 days:
    - i. Prepare and begin submitting DLQORs to the Commission each quarter by the tenth day of the month following the end of each quarter (Violation 4);
    - ii. Repair the sagging barbed wires on the fences surrounding the well and pressure tank sites so they are rendered intruder-resistant (Violation 5);
    - iii. Commence operating the Facility under the direct supervision of a water works operator who holds a Class “D” or higher license (Violation 8); and
    - iv. Conduct an annual inspection of the pressure tank (Violation 9).
  - c. Within 60 days:
    - i. Develop and adopt an adequate plumbing ordinance, regulation, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted (Violation 6);
    - ii. Provide an up-to-date map of the distribution system that includes the locations of all mains and valves (Violation 7); and
    - iii. Install a device that readily determines the air-water-volume on the pressure tanks (Violation 11).
  - d. Within 90 days, obtain a sanitary control easement that covers the land within 150 feet of Well No. 2 (Violation 10).
  - e. Within 180 days:
    - i. Provide a total storage tank capacity of 200 gallons per connection (Violation 1);
    - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection (Violation 2); and
    - iii. Provide accurate metering devices at each service connection (Violation 13).

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5. Submit written certification to demonstrate compliance:
- a. Within 45 days for Technical Requirements Nos. 4.a. and 4.b.;
  - b. Within 75 days for Technical Requirement No. 4.c.; and
  - c. Within 195 days for Technical Requirements Nos. 4.d. and 4.e.

***Litigation Information***

**Date Petition(s) Filed:** March 7, 2011  
**Date Answer(s) Filed:** March 25, 2011  
**SOAH Referral Date:** May 5, 2011  
**Hearing Date(s):**  
Preliminary hearing: June 16, 2011  
Evidentiary hearing: November 17, 2011 (remanded November 14, 2011)  
**Settlement Date:** November 6, 2011

***Contact Information***

**TCEQ Attorneys:** Ms. Stephanie J. Frazee, Litigation Division, (512) 239-3400  
Ms. Lena Roberts, Litigation Division, (512) 239-3400  
**TCEQ SEP Coordinator:** N/A  
**TCEQ Enforcement Coordinator:** Mr. Epifanio Villarreal, Water Enforcement Section, (361) 825-3425  
**TCEQ Regional Contact:** Mr. Steve Smith, Houston Regional Office, (713) 767-3581  
**Respondent:** Mr. Harold G. Bradham, President, Peach Creek Dam & Lake Club, 6411 Woodbrook Blvd., Houston, Texas 77008  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	25-Oct-2010	<b>Screening</b>	25-Oct-2010	<b>EPA Due</b>	
	<b>PCW</b>	7-Feb-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Peach Creek Dam & Lake Club
<b>Reg. Ent. Ref. No.</b>	RN101193027
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40652	<b>No. of Violations</b>	13
<b>Docket No.</b>	2010-1807-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$6,450</b>
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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.

<b>Compliance History</b>	31.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,999</b>
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<b>Notes</b>	Enhancement for one order without a denial and three NOV's with dissimilar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$25</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$5,689	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$51,800	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,424</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	<b>\$8,424</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$8,424</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$8,424</b>
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**Screening Date** 25-Oct-2010

**Docket No.** 2010-1807-PWS-E

**PCW**

**Respondent** Peach Creek Dam & Lake Club

*Policy Revision 2 (September 2002)*

**Case ID No.** 40652

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN101193027

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
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	1	25%
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)** 31%

**>> 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 order without a denial and three NOVs with dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 31%

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

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

Violation Description Failed to provide a total storage capacity of 200 gallons per connection. With 51 service connections, the Facility must provide a total storage capacity of 10,200 gallons. However, it was documented that the Facility currently provides no storage capacity, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Failure to provide storage capacity could result in water outages and low pressure problems, exposing consumers to significant amounts of contaminants which would exceed levels protective of human health.				

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 69 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended from the date of the investigation, August 17, 2010, to the date of screening, October 25, 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,855

Violation Final Penalty Total \$983

This violation Final Assessed Penalty (adjusted for limits) \$983

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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	\$21,930	17-Aug-2010	1-Nov-2011	1.21	\$88	\$1,766	\$1,855
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 necessary to provide a minimum storage capacity of 200 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$21,930

**TOTAL**

\$1,855

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 51 service connections and must provide a total service pump capacity of 102 gpm. However, the Facility has no service pumps, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Failure to provide service pump capacity may not allow the Facility to supply water to sections of the distribution system where it is not possible to supply it by gravity; this could expose customers to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 69 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$750

Three monthly events are recommended from the date of the investigation, August 17, 2010, to the date of screening, October 25, 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)

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,269 Violation Final Penalty Total \$983

This violation Final Assessed Penalty (adjusted for limits) \$983

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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
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No commas or \$

### Delayed Costs

Equipment	\$15,000	17-Aug-2010	1-Nov-2011	1.21	\$60	\$1,208	\$1,269
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 provide a total pump capacity of 2.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$1,269

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(d)(1)(C) and 290.110(c)(4)(A)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days using an approved test kit.

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

Failure to monitor the disinfectant residual at least once every seven days using an approved test kit could result in customers of the water supply being exposed to significant amounts of pollutants or contamination which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 69

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

Violation Base Penalty \$750

Three monthly events are recommended from the date of the investigation, August 17, 2010, to the date of screening, October 25, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$983

This violation Final Assessed Penalty (adjusted for limits) \$983

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$384	17-Aug-2010	10-Jun-2011	0.81	\$1	\$21	\$22
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 purchase a proper testing kit, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$780	17-Aug-2010	25-Aug-2010	0.02	\$1	\$17	\$18
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 costs include the estimated amount to perform weekly monitoring of the disinfectant residual in the system (\$15 per week), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$1,164

**TOTAL**

\$40

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter. Specifically, a review of Facility records for the past 12 months indicated that the Respondent did not submit the required DLQORs for 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 4 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events are recommended for the 12 months preceding the date of the investigation.

Good Faith Efforts to Comply

	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 \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$189

Violation Final Penalty Total \$524

This violation Final Assessed Penalty (adjusted for limits) \$524

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	\$180	17-Aug-2009	17-Aug-2010	1.00	\$9	\$180	\$189
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 costs include the estimated amount necessary to prepare and submit the DLQORs, calculated for the twelve months preceding the investigation date.

Approx. Cost of Compliance \$180

**TOTAL** \$189

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)

Violation Description Failed to provide an intruder-resistant fence to protect the Facility's well and pressure tank sites. Specifically, at the time of the investigation, it was documented that the barbed wire on the fences surrounding the well and pressure tank sites were sagging.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5%).

>> Programmatic Matrix

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

Matrix Notes Failure to provide an intruder-resistant fence for the wells and pressure tank could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 69 Number of violation days

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

Violation Base Penalty \$100

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

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$131

This violation Final Assessed Penalty (adjusted for limits) \$131

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	17-Aug-2010	1-Jun-2011	0.79	\$0	\$5	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to render the fence intruder-resistant, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$6

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

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

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1, 69 Number of violation days

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. Single event is marked with an 'x'.

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. N/A is marked with an '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 \$11

Violation Final Penalty Total \$131

This violation Final Assessed Penalty (adjusted for limits) \$131

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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)	\$180	17-Aug-2010	1-Jul-2011	0.87	\$1	\$10	\$11
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to prepare and maintain an adequate plumbing ordinance or service agreement, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

**TOTAL**

\$11

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, it was documented that no distribution system map was provided.

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

1 69 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 \$8

Violation Final Penalty Total \$131

This violation Final Assessed Penalty (adjusted for limits) \$131

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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)	\$180	17-Aug-2010	1-Jul-2011	0.87	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an up-to-date map of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

**TOTAL**

\$8

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)

Violation Description

Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, at the time of the investigation, it was documented that the Facility was operated by an operator whose Class "D" license expired on June 1, 2008.

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

Failure to employ a licensed operator could result in poor plant operation which could cause the customers of the Facility to be exposed to significant amounts of contaminants, which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

	3	69	Number of violation days
mark only one with an x	daily		Violation Base Penalty \$750
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Three monthly events are recommended from the date of the investigation, August 17, 2010, to the date of screening, October 25, 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,064 Violation Final Penalty Total \$983

This violation Final Assessed Penalty (adjusted for limits) \$983

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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	\$10,400	17-Aug-2010	25-Oct-2010	0.19	\$98	\$1,966	\$2,064
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

The delayed costs include the amount to employ a licensed operator (calculated at \$10.00 per hour x 20 hours/week x 52 weeks), calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance

\$10,400

**TOTAL**

\$2,064

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

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

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 365 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$250

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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 \$43

Violation Final Penalty Total \$328

This violation Final Assessed Penalty (adjusted for limits) \$328

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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				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	17-Aug-2009	17-Aug-2010	1.00	\$2	\$41	\$43
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$41

**TOTAL** \$43

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 10

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

Violation Description Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. 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 Without a sanitary control easement, customers of the Facility could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 69 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 \$1

Violation Final Penalty Total \$66

This violation Final Assessed Penalty (adjusted for limits) \$66

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**Media** Public Water Supply  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20	17-Aug-2010	1-Aug-2011	0.96	\$0	\$1	\$1
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 record a sanitary control easement for Well No. 2, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

**TOTAL**

\$1

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(3)

Violation Description Failed to provide the pressure tanks with a device to readily determine air-water-volume.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

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

Matrix Notes Failure to have a pressure release device on the pressure tank could result in excess pressurization of the tank...

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 Number of violation days 69

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

Violation Base Penalty \$750

Three monthly events are recommended from the date of the investigation, August 17, 2010, to the date of screening, October 25, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$983

This violation Final Assessed Penalty (adjusted for limits) \$983

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**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	\$105	17-Aug-2010	1-Aug-2011	0.96	\$0	\$7	\$7
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 install a device to determine the air-water-volume on the pressure tank, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$105

**TOTAL**

\$7

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

V12 12

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

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan and make available for Commission review that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 69 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$25

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

Notes The Respondent achieved compliance on August 25, 2010.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$106

This violation Final Assessed Penalty (adjusted for limits) \$106

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**Media** Public Water Supply  
**Violation No.** 12

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)	\$180	17-Aug-2010	25-Aug-2010	0.02	\$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 prepare and begin maintaining a chemical and microbiological monitoring plan for the Facility, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

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

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**

\$0

Screening Date 25-Oct-2010

Docket No. 2010-1807-PWS-E

PCW

Respondent Peach Creek Dam & Lake Club

Policy Revision 2 (September 2002)

Case ID No. 40652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193027

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 13

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

Violation Description Failed to provide accurate metering devices at each service connection to provide water usage data. Specifically, at the time of the investigation, it was documented that the Facility had 35 meters installed out of the total 51 connections.

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 16 Number of violation days 69

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

Violation Base Penalty \$1,600

Sixteen single events are recommended (one event per connection 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 \$1,600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$196

Violation Final Penalty Total \$2,096

This violation Final Assessed Penalty (adjusted for limits) \$2,096

## Economic Benefit Worksheet

**Respondent** Peach Creek Dam & Lake Club  
**Case ID No.** 40652  
**Req. Ent. Reference No.** RN101193027  
**Media** Public Water Supply  
**Violation No.** 13

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	\$2,320	17-Aug-2010	1-Nov-2011	1.21	\$9	\$187	\$196
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 provide metering devices for each service connection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,320

**TOTAL**

\$196

# Compliance History

Customer/Respondent/Owner-Operator: CN600638977 Peach Creek Dam & Lake Club Classification: Rating:  
Regulated Entity: RN101193027 PEACH CREEK DAM & LAKE CLUB Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700064  
WATER LICENSING LICENSE 1700064  
Location: 17370 S Lakeview Dr., Montgomery County, Texas  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: November 02, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 02, 2005 to November 02, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
Name: Epi Villarreal Phone: 361-825-3425

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? 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: N/A Repeat Violator: N/A

## Components (Multimedia) for the Site:

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

**Effective Date: 05/21/2009**

**ADMINORDER 2006-1304-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 09/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 09/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 10/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 11/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 11/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 12/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 12/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Description: Failure to collect any routine monitoring samples in 01/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 01/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)





Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post a PN for not collecting any routine monitoring samples in 09/2005.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THC Chapter 341, SubChapter A 341.033(d)  
 Description: Failure to collect any routine monitoring samples in 10/2005.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THC Chapter 341, SubChapter A 341.033(d)  
 Description: Failure to collect any routine monitoring samples in 11/2005.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post a PN for not collecting any routine monitoring samples in 11/2005.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THC Chapter 341, SubChapter A 341.033(d)  
 Description: Failure to collect any routine monitoring samples in 12/2005

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post a PN for not collecting any routine monitoring samples in 12/2005.

Classification: Moderate  
 Citation: 2A TWC Chapter 5, SubChapter A 5.702  
 30 TAC Chapter 290, SubChapter E 290.51(a)(3)  
 Description: Failure to pay all Public Health Service (PHS) fees and associated late fees for TCEQ Financial Administration Account No. 91700064 for fiscal years 2004 to the present. Specifically, TCEQ FA Account 91700064 shows outstanding annual PHS fees and associated late fees owed by Peach Creek Dam & Lake Club for fiscal years 2004 to the present.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/06/2006	(449761)
2	12/01/2005	(454519)
3	12/21/2005	(454526)
4	01/25/2006	(455658)
5	02/15/2006	(455761)
6	07/11/2006	(485140)
7	10/19/2010	(850729)

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

<b>Date:</b>	<b>12/01/2005</b>	<b>(454519)</b>	<b>CN600638977</b>
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii) 5A THC Chapter 341, SubChapter A 341.033(d)		
Description:	Failure to collect any routine monitoring samples in 10/2005.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)		
Description:	Failure to post a PN for not collecting any routine monitoring samples in 10/2005.		
<b>Date:</b>	<b>12/21/2005</b>	<b>(454526)</b>	<b>CN600638977</b>
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii) 5A THC Chapter 341, SubChapter A 341.033(d)		
Description:	Failure to collect any routine monitoring samples in 11/2005.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)		
Description:	Failure to post a PN for not collecting any routine monitoring samples in 11/2005.		

Date: 01/25/2006

(455658)

CN600638977

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 12/2005

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 12/2005.

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PEACH CREEK DAM & LAKE CLUB;  
RN101193027**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-1807-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Peach Creek Dam & Lake Club ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent appear before the Commission and together stipulate that:

1. Respondent owns and operates a public water system located at 17370 South Lakeview Drive in Houston, Montgomery County, Texas (the "Facility"). The Facility provides water for human consumption, has 51 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. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of eight thousand four hundred forty-nine dollars (\$8,449.00) is assessed by the Commission in settlement of the violations alleged in Section II. The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by Respondent and determined that Respondent qualifies for a deferral of all of the administrative penalty under TEX. WATER CODE § 7.034. Therefore, eight thousand four hundred forty-nine dollars (\$8,449.00) of the administrative penalty is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Agreed Order and shall be waived only upon full compliance with all the terms and conditions contained in this Agreed Order. If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including any payment schedule,

the Executive Director may require Respondent to pay all or part of the deferred administrative penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that Respondent submitted a chemical and microbiological monitoring plan on August 25, 2010 (Allegation 1.I.).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

1. During an investigation conducted on August 17, 2010, a TCEQ Houston Regional Office investigator documented that Respondent:
  - a. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). With 51 service connections, the Facility must provide a total storage capacity of 10,200 gallons. However, the Facility provides no storage capacity, which is a 100% deficiency;
  - b. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility has 51 service connections and must provide a total service pump capacity of 102 gpm. However, the Facility has no service pumps, which is a 100% deficiency;
  - c. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days using an approved test kit, in violation of 30 TEX. ADMIN. CODE §§ 290.110(d)(1)(C) and 290.110(c)(4)(A);
  - d. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4). Specifically, a review of Facility records for the past 12 months indicated that Respondent did not submit the required DLQORs for the Facility;
  - e. Failed to provide an intruder-resistant fence to protect the Facility's well and pressure tank sites, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e). Specifically, the barbed wire on the fences surrounding the well and pressure tank sites were sagging;

- f. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i);
  - g. Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2). Specifically, no distribution system map was provided;
  - h. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a). Specifically, the Facility was operated by an operator whose Class "D" license expired on June 1, 2008;
  - i. Failed to conduct an annual inspection of the Facility's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B);
  - j. Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F);
  - k. Failed to provide the pressure tanks with a device to readily determine air-water-volume, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3);
  - l. Failed to develop and maintain and make available for Commission review an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b); and
  - m. Failed to provide accurate metering devices at each service connection to provide water usage data, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(4). Specifically, the Facility has 35 meters installed but has 51 connections.
2. Respondent received notice of the violations on or about October 24, 2010.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations that are not raised here.
2. Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, Respondent shall:
    - i. Submit an operating agreement between Respondent and Patton Village that shows that Patton Village has taken over all operations of the Facility and Respondent has ceased operating the Facility; and

- ii. Submit written certification that an Application for Sale, Transfer or Merger of a Retail Public Utility for the interconnection between Respondent and Patton Village has been submitted. A copy of the completed and submitted Application 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  
Texas Commission on Environmental Quality  
Abilene Regional Office  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- b. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii.; and
- c. Within 365 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 2.e., below, that the interconnection with Patton Village has been completed. A copy of the letter approving the interconnection 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  
Texas Commission on Environmental Quality  
Abilene Regional Office  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- d. Or, in lieu of Ordering Provisions Nos. 2.a. through 2.c.:
  - i. Within 10 days after the effective date of this Agreed Order, Respondent shall begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days, using the amperometric titration method, ferrous titration method, or a diethyl-p-phenylendiamine ("DPD") colorimetric method in accordance with 30 TEX. ADMIN. CODE § 290.110 (Allegation 1.c.);

- ii. Within 30 days after the effective date of this Agreed Order, Respondent shall:
  - A. Prepare and begin submitting DLQORs to the Commission each quarter by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Allegation 1.d.). The DLQORs shall be submitted to:

Public Drinking Water Section, MC 155  
Texas Commission on Environmental Quality  
Attn: DLQOR  
P.O. Box 13087  
Austin, Texas 78711-3087
  - B. Repair the sagging barbed wires on the fences surrounding the well and pressure tank sites so they are rendered intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Allegation 1.e.);
  - C. Commence operating the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Allegation 1.h.); and
  - D. Conduct an annual inspection of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Allegation 1.i.);
- iii. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provisions Nos. 2.d.i. and 2.d.ii.
- iv. Within 60 days after the effective date of this Agreed Order, Respondent shall:
  - A. Develop and adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Allegation 1.f.);
  - B. Provide an up-to-date map of the distribution system that includes the locations of all mains and valves, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Allegation 1.g.); and
  - C. Install a device that readily determines the air-water-volume on the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Allegation 1.k.).
- v. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provision No. 2.d.iv.
- vi. Within 90 days after the effective date of this Agreed Order, Respondent shall obtain a sanitary control easement that covers the land within 150 feet of Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Allegation 1.j.).

- vii. Within 180 days after the effective date of this Agreed Order, Respondent shall:
  - A. Provide a total storage tank capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Allegation No. 1.a.);
  - B. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (Allegation No. 1.b.); and
  - C. Provide accurate metering devices at each service connection, in accordance with 30 TEX. ADMIN. CODE § 290.44 (Allegation No. 1.m.).
- viii. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provisions Nos. 2.d.vi. and 2.d.vii.
- e. The certifications required by these Ordering Provisions accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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 supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Water Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

- 3. All relief not expressly granted in this Agreed Order is denied.
- 4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/2/2012

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Peach Creek Dam & Lake Club, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
Signature - Harold Bradham, President  
Peach Creek Dam & Lake Club

11/6/11  
Date