

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:

No. 3 Private Road 7355, one and one-half miles south of Wolfforth off Farm-to-Market Road 179, Wolfforth, Lubbock County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$124.05 (2008-0966-PWS-E)
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 2, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,679

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$184

Total Due to General Revenue: \$5,495

Payment Plan: 35 payments of \$157 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – N/A (Both Respondents)
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 1, 2011
Date(s) of NOV(s): See Compliance Histories – 24 related NOVs
Date(s) of NOE(s): August 5, 2011

Violation Information

1. Failed to submit Disinfectant Level Quarterly Operating Reports (“DLQORs”) to the Executive Director each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3); and TCEQ Agreed Order Docket No. 2009-1274-PWS-E, Ordering Provision No. 3.c.i.].
2. Failed to provide the results of quarterly fluoride sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e); and TCEQ Agreed Order Docket No. 2009-1274-PWS-E, Ordering Provision No. 3.c.ii.].
3. Failed to provide the results of annual nitrate, volatile organic contaminant (“VOC”) and stage 1 disinfectant by-product (“DBP”) sampling to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e) and 290.113(e)].
4. Failed to provide the results of triennial radionuclide sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.108(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 30 days:
 - a. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
 - b. Implement improvements to the facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the facility's laboratories and reported to the Executive Director either within ten days of the Executive Director's request or within ten days of receipt by the facility; and
 - c. Update the facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs.
2. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter.
3. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1; and
 - b. Within 90 days for Technical Requirement No. 2.

Litigation Information

Date Petition(s) Filed: January 5, 2012
Settlement Date: February 8, 2012

Contact Information

TCEQ Attorneys: Sharesa Y. Alexander, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Stephen Thompson, Enforcement Division, (512) 239- 2558

TCEQ Regional Contact: Gary Shipp, Lubbock Regional Office, (806) 796-7092

Respondent: Jack and Rhonda Vanover, P.O. Box 576, Wolfforth, Texas 79382

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Aug-2011	Screening	10-Aug-2011	EPA Due	30-Jun-2010
	PCW	15-Sep-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jack Vanover and Rhonda C. Vanover dba Seven Estates
Reg. Ent. Ref. No.	RN102679305
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42246	No. of Violations	4
Docket No.	2011-1390-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	179.0% Enhancement	Subtotals 2, 3, & 7	\$3,580
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Notes: Enhancement for 24 NOVs with same/similar violations, seven NOVs with dissimilar violations, one agreed final enforcement order containing a denial of liability and one agreed final enforcement order without a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$164
 Approx. Cost of Compliance: \$1,735
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,580
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.8%	Adjustment	\$99
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance associated with Violation No. 1.

Final Penalty Amount	\$5,679
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,679
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$5,679
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Screening Date 10-Aug-2011

Docket No. 2011-1390-PWS-E

PCW

Respondent Jack Vanover and Rhonda C. Vanover dba Seven I

Policy Revision 2 (September 2002)

Case ID No. 42246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	24	120%
	Other written NOVs	7	14%
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	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) 179%

>> 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 24 NOVs with same/similar violations, seven NOVs with dissimilar violations, one agreed final enforcement order containing a denial of liability and one agreed final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 179%

Screening Date 10-Aug-2011

Docket No. 2011-1390-PWS-E

PCW

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates

Policy Revision 2 (September 2002)

Case ID No. 42246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2009-1274-PWS-E Ordering Provision No. 3.c.i.

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the record review, it was documented that the Respondents did not submit DLQORs for the first quarter of 2010 and the third quarter of 2010 through the first quarter of 2011.

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, calculated for the quarters in which DLQORs were not submitted.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103

Violation Final Penalty Total \$1,136

This violation Final Assessed Penalty (adjusted for limits) \$1,136

Economic Benefit Worksheet

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates
Case ID No. 42246
Req. Ent. Reference No. RN102679305
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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	1-Aug-2011	1-Mar-2012	0.58	\$1	n/a	\$1
Training/Sampling	\$100	1-Aug-2011	1-Mar-2012	0.58	\$3	n/a	\$3
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 update the Facility's operational guidance and conduct employee training to ensure all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date 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]	\$90	10-Apr-2010	10-Apr-2011	1.92	\$9	\$90	\$99
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to prepare and submit the missing DLQORs. The date required is the day the report was due for the first quarter of 2010 and the final date is the day the report was due for the first quarter of 2011.

Approx. Cost of Compliance

\$235

TOTAL

\$103

Screening Date 10-Aug-2011

Docket No. 2011-1390-PWS-E

PCW

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates

Policy Revision 2 (September 2002)

Case ID No. 42246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e) and TCEQ Agreed Order Docket No. 2009-1274-PWS-E Ordering Provision No. 3.c.ii.

Violation Description Failed to provide the results of quarterly fluoride sampling to the TCEQ's Executive Director. Specifically, the Respondents failed to provide fluoride monitoring results for the third quarter of 2009 through the second quarter of 2011.

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 8 729 Number of violation days

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

Violation Base Penalty \$800

Eight quarterly events are recommended, calculated for the eight quarterly monitoring results that were not reported.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$2,272

This violation Final Assessed Penalty (adjusted for limits) \$2,272

Economic Benefit Worksheet

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates
Case ID No. 42246
Req. Ent. Reference No. RN102679305
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)	\$1,500	1-Aug-2011	1-Mar-2012	0.58	\$3	\$58	\$61
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 of the outstanding laboratory costs that must be paid in order to release the monitoring results, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$61

Screening Date 10-Aug-2011

Docket No. 2011-1390-PWS-E

PCW

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates

Policy Revision 2 (September 2002)

Case ID No. 42246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e), 290.107(e) and 290.113(e) and TCEQ Agreed Order Docket No. 2009-1274-PWS-E Ordering Provision No. 3.c.ii.

Violation Description

Failed to provide the results of annual nitrate, volatile organic contaminant ("VOC") and stage 1 disinfectant by-product ("DBP") sampling to the TCEQ's Executive Director. Specifically, the Respondents failed to provide nitrate monitoring results for 2010, VOC monitoring results for the year 2010 and DBP monitoring results for the years 2007 through 2010.

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	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 6 1460 Number of violation days

mark only one with an x	daily		Violation Base Penalty \$600
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual	x	
	single event		

Six annual events are recommended, calculated for the six different annual monitoring results that were not reported.

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 Respondents does not meet the good faith criteria for this violation.

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$1,704

This violation Final Assessed Penalty (adjusted for limits) \$1,704

Economic Benefit Worksheet

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates
Case ID No. 42246
Req. Ent. Reference No. RN102679305
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs for this violation are associated with Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 10-Aug-2011

Docket No. 2011-1390-PWS-E

PCW

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates

Policy Revision 2 (September 2002)

Case ID No. 42246

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.108(e)

Violation Description Failed to provide the results of triennial radionuclide sampling to the TCEQ's Executive Director. Specifically, the Respondents failed to provide radionuclide monitoring results for the sampling periods from January 1, 2004 through December 31, 2006 and January 1, 2007 through December 31, 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 2191 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended, calculated for the two triennial monitoring results that were not reported.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$568

This violation Final Assessed Penalty (adjusted for limits) \$568

Economic Benefit Worksheet

Respondent Jack Vanover and Rhonda C. Vanover dba Seven Estates
Case ID No. 42246
Req. Ent. Reference No. RN102679305
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs for this violation are associated with Violation No. 2.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN602707697 VANOVER, JACK Classification: Rating:
 Regulated Entity: RN102679305 SEVEN ESTATES Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520188
 Location: NO. 3 PRIVATE RD 7355, 1.5 MI S OF WOLFFORTH OFF FM 179, LUBBOCK COUNTY, TX
 TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: August 10, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 10, 2006 to August 10, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

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

Components (Multimedia) for the Site:

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

Effective Date: 01/30/2009

ADMINORDER 2008-0966-PWS-E

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Years 2004 through 2008 to the TCEQ in a timely manner.

Effective Date: 03/20/2010

ADMINORDER 2009-1274-PWS-E

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Classification: Moderate

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

Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Rqmt Prov: TCEQ Docket No. 2008-0966-PWS-E ORDER

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Year 2009 to the TCEQ in a timely manner.

Classification: Major

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

Description: This system failed to monitor their disinfectant levels for the fourth quarter of 2008.

Classification: Minor

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

Description: This system failed to report their disinfectant levels to the executive director for the fourth quarter of 2008.

Classification: Major

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

Description: This system failed to monitor their disinfectant levels for the first quarter of 2009.

Classification: Minor

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

Description: This system failed to report their disinfectant levels to the executive director for the first quarter of 2009.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: The system failed to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009. These 72 samples include 3 Metal, 12 Arsenic, 3 Cyanide, 41 Fluoride, 9 Nitrate, 1 Total Dissolved Solid, and 3 Mineral samples.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: The system failed to report all Organic Chemical results after completion of required samples from the first quarter of 2005 to the second quarter of 2009, for a total of 16 chemical samples. These 16 samples include 3 Synthetic Organic Chemical and 13 Volatile Organic Chemical samples.

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	05/09/2008	(654987)	13	02/23/2011	(895331)	25	08/03/2011	(944877)
2	12/03/2008	(709555)	14	08/01/2011	(943728)	26	08/03/2011	(944881)
3	06/16/2009	(749341)	15	08/03/2011	(944839)	27	08/03/2011	(944883)
4	07/27/2009	(762735)	16	08/04/2011	(944841)	28	08/03/2011	(944888)
5	03/27/2009	(766721)	17	08/03/2011	(944850)	29	08/03/2011	(944893)
6	08/21/2009	(766742)	18	08/03/2011	(944852)	30	08/05/2011	(944908)
7	08/21/2009	(766746)	19	08/03/2011	(944853)	31	08/03/2011	(944973)
8	08/21/2009	(766761)	20	06/16/2011	(944855)	32	08/03/2011	(944976)
9	11/25/2009	(766836)	21	08/03/2011	(944862)	33	08/03/2011	(944981)
10	08/21/2009	(766916)	22	06/16/2011	(944863)	34	08/03/2011	(944982)
11	02/17/2010	(789133)	23	08/03/2011	(944865)	35	08/03/2011	(944986)
12	09/08/2010	(860179)	24	08/03/2011	(944867)	36	08/03/2011	(944989)

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

Date: 08/13/2008 (684554)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ an operator with a Class "D" or higher license.

Date: 12/03/2008 (709555)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Date: 02/25/2009 (725104)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition

Date: 03/27/2009 (766721)

CN602707697

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor their disinfectant levels for the fourth quarter of 2008.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to report their disinfectant levels to the executive director for the fourth quarter of 2008.

Date:	05/27/2009	(766746)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a)		
Description:	This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its customers.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report for the 2007 CCR year.		
Date:	07/21/2009	(766742)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
Description:	This system failed to monitor their disinfectant levels for the first quarter of 2009.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
Description:	This system failed to report their disinfectant levels to the executive director for the first quarter of 2009.		
Date:	07/27/2009	(766761)	CN602707697
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	The system failed to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009. These 72 samples include 3 Metal, 12 Arsenic, 3 Cyanide, 41 Fluoride, 9 Nitrate, 1 Total Dissolved Solid, and 3 Mineral samples.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	The system failed to report all Organic Chemical results after completion of required samples from the first quarter of 2005 to the second quarter of 2009, for a total of 16 chemical samples. These 16 samples include 3 Synthetic Organic Chemical and 13 Volatile Organic Chemical samples.		
Date:	11/24/2009	(766836)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.		
Date:	07/09/2010	(826512)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to provide adequate facility maintenance.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to operate the public water system to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.		
Date:	03/02/2011	(895331)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to obtain Sanitary Control Easements.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		
Description:	Failure to provide facilities to maintain the air to water volume ratio in the 1,700 gallon pressure tank.		
Date:	06/16/2011	(944855)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.		
Date:	06/16/2011	(944863)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.		

Date:	08/03/2011	(944888)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.107(c)(2)		
	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	This system failed to monitor and/or failed to report volatile organic contaminants levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944877)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.107(c)(2)		
	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	This system failed to monitor and/or failed to report volatile organic contaminants levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944852)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944893)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report nitrate levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944853)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.		
Date:	08/03/2011	(944881)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944883)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944841)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.		
Date:	08/03/2011	(944867)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.		
Date:	08/03/2011	(944973)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.		
Date:	08/03/2011	(944986)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.		

Date: 08/03/2011 (944989) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Date: 08/03/2011 (944981) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Date: 08/03/2011 (944839) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Date: 08/03/2011 (944976) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Date: 08/03/2011 (944865) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944850) CN602707697

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944862) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
 30 TAC Chapter 290, SubChapter F 290.113(f)(2)
 Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944982) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

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

Compliance History

Customer/Respondent/Owner-Operator: CN601791023 VANOVER, RHONDA C Classification: Rating:
 Regulated Entity: RN102679305 SEVEN ESTATES Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520188
 Location: NO. 3 PRIVATE RD 7355, 1.5 MI S OF WOLFFORTH OFF FM 179, LUBBOCK COUNTY, TX
 TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: August 10, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 10, 2006 to August 10, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Stephen Thompson Phone: (512) 239-2558

Site Compliance History Components

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

Components (Multimedia) for the Site:

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

Effective Date: 01/30/2009

ADMINORDER 2008-0966-PWS-E

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Years 2004 through 2008 to the TCEQ in a timely manner.

Effective Date: 03/20/2010

ADMINORDER 2009-1274-PWS-E

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Classification: Moderate

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

Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Rqmt Prov: TCEQ Docket No. 2008-0966-PWS-E ORDER

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Year 2009 to the TCEQ in a timely manner.

Classification: Major

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

Description: This system failed to monitor their disinfectant levels for the fourth quarter of 2008.

Classification: Minor

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

Description: This system failed to report their disinfectant levels to the executive director for the fourth quarter of 2008.

Classification: Major

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

Description: This system failed to monitor their disinfectant levels for the first quarter of 2009.

Classification: Minor

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

Description: This system failed to report their disinfectant levels to the executive director for the first quarter of 2009.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: The system failed to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009. These 72 samples include 3 Metal, 12 Arsenic, 3 Cyanide, 41 Fluoride, 9 Nitrate, 1 Total Dissolved Solid, and 3 Mineral samples.

Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: The system failed to report all Organic Chemical results after completion of required samples from the first quarter of 2005 to the second quarter of 2009, for a total of 16 chemical samples. These 16 samples include 3 Synthetic Organic Chemical and 13 Volatile Organic Chemical samples.

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	05/09/2008	(654987)	13	02/23/2011	(895331)	25	08/03/2011	(944877)
2	12/03/2008	(709555)	14	08/01/2011	(943728)	26	08/03/2011	(944881)
3	06/16/2009	(749341)	15	08/03/2011	(944839)	27	08/03/2011	(944883)
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6	08/21/2009	(766742)	18	08/03/2011	(944852)	30	08/05/2011	(944908)
7	08/21/2009	(766746)	19	08/03/2011	(944853)	31	08/03/2011	(944973)
8	08/21/2009	(766761)	20	06/16/2011	(944855)	32	08/03/2011	(944976)
9	11/25/2009	(766836)	21	08/03/2011	(944862)	33	08/03/2011	(944981)
10	08/21/2009	(766916)	22	06/16/2011	(944863)	34	08/03/2011	(944982)
11	02/17/2010	(789133)	23	08/03/2011	(944865)	35	08/03/2011	(944986)
12	09/08/2010	(860179)	24	08/03/2011	(944867)	36	08/03/2011	(944989)

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

Date: 08/13/2008 (684554)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Failure to employ an operator with a Class "D" or higher license.

Date: 12/03/2008 (709555)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Date: 02/25/2009 (725104)

CN602707697

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition

Date: 03/27/2009 (766721)

CN602707697

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor their disinfectant levels for the fourth quarter of 2008.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to report their disinfectant levels to the executive director for the fourth quarter of 2008.

Date:	05/27/2009	(766746)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a)		
Description:	This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its customers.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report for the 2007 CCR year.		
Date:	07/21/2009	(766742)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
Description:	This system failed to monitor their disinfectant levels for the first quarter of 2009.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
Description:	This system failed to report their disinfectant levels to the executive director for the first quarter of 2009.		
Date:	07/27/2009	(766761)	CN602707697
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	The system failed to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009. These 72 samples include 3 Metal, 12 Arsenic, 3 Cyanide, 41 Fluoride, 9 Nitrate, 1 Total Dissolved Solid, and 3 Mineral samples.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	The system failed to report all Organic Chemical results after completion of required samples from the first quarter of 2005 to the second quarter of 2009, for a total of 16 chemical samples. These 16 samples include 3 Synthetic Organic Chemical and 13 Volatile Organic Chemical samples.		
Date:	11/24/2009	(766836)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		
Description:	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customers by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.		
Date:	07/09/2010	(826512)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to provide adequate facility maintenance.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to operate the public water system to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.		
Date:	03/02/2011	(895331)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to obtain Sanitary Control Easements.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)		
Description:	Failure to provide facilities to maintain the air to water volume ratio in the 1,700 gallon pressure tank.		
Date:	06/16/2011	(944855)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.		
Date:	06/16/2011	(944863)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.		

Date:	08/03/2011	(944888)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.107(c)(2)		
	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	This system failed to monitor and/or failed to report volatile organic contaminants levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944877)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.107(c)(2)		
	30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	This system failed to monitor and/or failed to report volatile organic contaminants levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944852)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944893)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report nitrate levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944853)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.		
Date:	08/03/2011	(944881)	CN602707697
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944883)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.		
Date:	08/03/2011	(944841)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(2)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.		
Date:	08/03/2011	(944867)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.		
Date:	08/03/2011	(944973)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.		
Date:	08/03/2011	(944986)	CN602707697
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(4)		
	30 TAC Chapter 290, SubChapter F 290.106(e)		
Description:	This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.		

Date: 08/03/2011 (944989) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Date: 08/03/2011 (944981) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Date: 08/03/2011 (944839) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Date: 08/03/2011 (944976) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Date: 08/03/2011 (944865) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944850) CN602707697

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944862) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
 30 TAC Chapter 290, SubChapter F 290.113(f)(2)
 Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/03/2011 (944982) CN602707697

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JACK VANOVER AND
RHONDA C. VANOVER D/B/A
SEVEN ESTATES F/K/A
CASEY HOMES ESTATES;
RN102679305**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-1390-PWS-E

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 Jack Vanover and Rhonda C. Vanover d/b/a Seven Estates f/k/a Casey Homes Estates ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents presented this Agreed Order to the Commission.

Respondents understand that they have 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, Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondents.

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

FINDINGS OF FACT

1. Respondents own and operate a public water system located at No. 3 Private Road 7355, one and one-half miles south of Wolfforth off Farm-to-Market Road 179 in Wolfforth, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has 104 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on August 1, 2011, a TCEQ Central Office investigator documented that Respondents:

- a. Failed to submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, Respondents did not submit DLQORs for the first quarter of 2010 and the third quarter of 2010 through the first quarter of 2011;
 - b. Failed to provide the results of quarterly fluoride sampling to the Executive Director. Specifically, Respondents failed to provide monitoring results for the third quarter of 2009 through the second quarter of 2011;
 - c. Failed to provide the results of annual nitrate, volatile organic contaminant ("VOC") and stage 1 disinfectant by-product ("DBP") sampling to the Executive Director. Specifically, Respondents failed to provide nitrate monitoring results for 2010, VOC monitoring results for the year 2010, and DBP monitoring results for the years 2007 through 2010; and
 - d. Failed to provide the results of triennial radionuclide sampling to the Executive Director. Specifically, Respondents failed to provide radionuclide monitoring results for the sampling periods from January 1, 2004, through December 31, 2006, and January 1, 2007, through December 31, 2009.
3. Respondents received notice of the violations on or about August 10, 2011.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to submit DLQORs to the Executive Director 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)(A) and (f)(3), and TCEQ Agreed Order Docket No. 2009-1274-PWS-E, Ordering Provision No. 3.c.i.
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to provide the results of quarterly fluoride sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e), and TCEQ Agreed Order Docket No. 2009-1274-PWS-E, Ordering Provision No. 3.c.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to provide the results of annual nitrate, VOC and stage 1 DBP sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e) and 290.113(e).
5. As evidenced by Finding of Fact No. 2.d., Respondents failed to provide the results of triennial radionuclide sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of five thousand six hundred seventy-nine dollars (\$5,679.00) 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. Respondents paid one hundred eighty-four dollars (\$184.00) of the administrative penalty. The remaining amount of five thousand four hundred ninety-five dollars (\$5,495.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of one hundred fifty-seven dollars (\$157.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondents' failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondents to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 7, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Jack Vanover and Rhonda C. Vanover d/b/a Seven Estates f/k/a Casey Homes Estates, Docket No. 2011-1390-PWS-E" to:

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

2. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondents shall:
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), 290.108 (Radionuclides) and 290.113 (DBP);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director either within ten days of the Executive Director's

request or within ten days of receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106(e) (Inorganic Contaminants), 290.107(e) (Organic Contaminants), 290.108(e) (Radionuclides) and 290.113(e) (DBP); and

- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, Respondents shall submit written certification, as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 90 days after the effective date of this Agreed Order, Respondents shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:
 - DLQOR Coordinator
 - Water Supply Division, MC 155
 - Texas Commission on Environmental Quality
 - P.O. Box 13087
 - Austin, Texas 78711-3087
- d. Within 105 days after the effective date of this Agreed Order, Respondents shall submit written certification, as described in Ordering Provision No. 2.e., below, to demonstrate compliance with Ordering Provision No. 2.c.
- e. The certifications required by these Ordering Provisions shall be 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."

Respondents 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:

Elston Johnson, Public Drinking Water Section Manager
Water Supply Division, MC-155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 Respondents. Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director.
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.

10. 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 Respondents, or three days after the date on which the Commission mails notice of this Agreed Order to Respondents, 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

June 22, 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 Jack Vanover and Rhonda C. Vanover d/b/a Seven Estates f/k/a Casey Homes Estates, 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 - Jack Vanover, Owner
Seven Estates

2-8-12
Date



Signature - Rhonda Vanover, Owner
Seven Estates

2-8-12
Date