

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43308
David T. Gillott d/b/a T L Water Jones Acres
RN101196905
Docket No. 2012-0114-PWS-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately one mile north of Farm-to-Market Road 3433 and Farm-to-Market Road 718,
Newark, Wise County

Type of Operation:

public water system

Other Significant Matters:

| | |
|---|-------------------------------|
| Additional Pending Enforcement Actions: | None |
| Past-Due Penalties: | \$2,156.77 (2010-1418-PWS-E) |
| Past-Due Fees: | \$481.02 (Acct. No. 92490018) |
| Other: | None |
| Interested Third-Parties: | None |

Texas Register Publication Date: July 6, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,450

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$1,450

Compliance History Classifications:

Person/CN – Average
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: December 12, 2011

Date(s) of NOV(s): November 3, 2009; December 22, 2010; January 26, 2011;
December 12, 2011

Date(s) of NOE(s): December 16, 2011

David T. Gillott d/b/a T L Water Jones Acres

RN101196905

Docket No. 2012-0114-PWS-E

Violation Information

1. Failed to collect at least one raw groundwater source Escherichia coli ("E. coli") sample from each of the two active sources within 24 hours of being notified of a distribution total coliform-positive result, and failed to provide public notice of the failure to collect a raw groundwater source E. coli sample from each active source within 24 hours of being notified of a distribution total coliform-positive result [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failing to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to provide the results of triennial metals sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to provide the results of annual nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
5. Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 92490018 for Fiscal Year 2011 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 30 days:
 - a. Implement procedures to ensure that required raw groundwater samples are collected when required. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.
 - b. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2011 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.
 - c. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established.
 - d. Update the Facility's written 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 within ten days of Executive Director request or of their receipt by the Facility, whichever is later.
 - e. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the Commission; and
 - f. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 92490018.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 43308
David T. Gillott d/b/a T L Water Jones Acres
RN101196905
Docket No. 2012-0114-PWS-E

2. Within 45 days:
 - a. Submit written certification to demonstrate compliance with Technical Requirement No. 1; and
 - b. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
3. Within 180 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.b.

Litigation Information

Date Petition(s) Filed: May 15, 2012
Date Green Card(s) Signed: Unclaimed
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Epifanio Villareal, Enforcement Division, (361) 825-3425
TCEQ Regional Contact: Sid Slocum, Dallas/Fort Worth Regional Office, (817) 588-5901
Respondent: David T. Gillott, T L Water Jones Acres, P. O. Box 1717, Boyd, Texas 76023-1717
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 | 2-Jan-2012 | Screening | 9-Jan-2012 | EPA Due | 31-Mar-2011 |
| | PCW | 9-Jan-2012 | | | | |

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

| | | | |
|--|---------------------|------------------------------|---------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 43308 | No. of Violations | 5 |
| Docket No. | 2012-0114-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Epifanio Villarreal |
| | | 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 | \$900 |
|---|-------------------|-------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------|--------------------------------|-------|
| Compliance History | 47.0% Enhancement | Subtotals 2, 3, & 7 | \$423 |
|---------------------------|-------------------|--------------------------------|-------|

Notes: Enhancement for four NOV's with same/similar violations, one dissimilar NOV, and one default order.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent do not meet the culpability criteria.

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

| | |
|----------------------------|---------|
| Total EB Amounts | \$302 |
| Approx. Cost of Compliance | \$1,620 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,323 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|-------------------|-------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 9.6% | Adjustment | \$127 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture avoided costs of compliance for Violation Nos. 1 and 2.

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$1,450 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,450 |
|-----------------------------------|-------------------------------|---------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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 | \$1,450 |
|------------------------|---------|

Screening Date 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

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>) | 4 | 20% |
| | Other written NOVs | 1 | 2% |
| 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) 47%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, one dissimilar NOV, and one default order.

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

Screening Date 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description Failed to collect at least one raw groundwater source Escherichia coli ("E. coli") sample from each of the two active sources within 24 hours of being notified of a distribution total coliform-positive result and failed to provide public notice of the failure to collect a raw groundwater source E. coli sample from each active source within 24 hours of being notified of a distribution total coliform-positive result. Specifically, during the month of October 2010 the Respondent did not collect the raw groundwater source E. coli samples from each of the two active sources within 24 hours and did not provide public notice of the failure to collect the raw groundwater source E. coli samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to perform raw groundwater source monitoring could result in persons served by the Facility being exposed to significant amounts of undetected contaminants, which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 31 Number of violation days

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

Violation Base Penalty \$500

Two monthly events are recommended (one event for each well not sampled).

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$806

This violation Final Assessed Penalty (adjusted for limits) \$806

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 43308
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|-------------|-------------|------|-----|------|------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$50 | 20-Oct-2010 | 21-Oct-2010 | 0.00 | \$0 | \$50 | \$50 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect one raw groundwater source sample for each active groundwater well (\$25 per sample x 2 sources) calculated for the 24-hour period following the coliform-positive result.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondent submit the CCR or the required certification to the Executive Director for the years 2009 and 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 | | |

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 730 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | x |
| single event | |

mark only one with an x

Violation Base Penalty \$200

Two annual events are 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$77

Violation Final Penalty Total \$322

This violation Final Assessed Penalty (adjusted for limits) \$322

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 43308
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|------------|------------|------|-----|------|------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$70 | 1-Jul-2010 | 1-Jul-2011 | 1.92 | \$7 | \$70 | \$77 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply and a copy to TCEQ, calculated from the date the 2009 CCR was due to the date the 2010 CCR was due.

Approx. Cost of Compliance \$70

TOTAL \$77

Screening Date 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description Failed to provide the results of triennial metals sampling to the Executive Director. Specifically, the Respondent failed to provide metals monitoring results for the monitoring period from January 1, 2008 through December 31, 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 1 1095 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$175

Violation Final Penalty Total \$161

This violation Final Assessed Penalty (adjusted for limits) \$161

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 43308
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|-----|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$1,500 | 31-Dec-2010 | 1-Sep-2012 | 1.67 | \$8 | \$167 | \$175 |
| 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 pay any outstanding lab fees so that the lab will release the metals monitoring results and the Respondent can provide them to the Executive Director. The date required is the last date of the monitoring period in which metal monitoring results were not provided and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$175

Screening Date 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description Failed to provide the results of annual nitrate sampling to the Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for 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 | Harm | | | Percent |
|---|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | x | | | 10% |
| 100% of the rule requirement was not met. | | | | | |

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 365 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | x |
| single event | |

mark only one with an x

Violation Base Penalty \$100

One annual 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 \$0

Violation Final Penalty Total \$161

This violation Final Assessed Penalty (adjusted for limits) \$161

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 43308
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 are captured in the economic benefit worksheet associated with Violation No. 3

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 9-Jan-2012

Docket No. 2012-0114-PWS-E

PCW

Respondent David T. Gillott dba T L Water Jones Acres

Policy Revision 2 (September 2002)

Case ID No. 43308

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101196905

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3), Tex. Water Code § 5.702

Violation Description Failed to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 92490018 for Fiscal Year 2011.

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 (0%). Matrix Notes section below.

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events [] Number of violation days []

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. Includes instruction: mark only one with an x.

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

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

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent David T. Gillott dba T L Water Jones Acres
Case ID No. 43308
Req. Ent. Reference No. RN101196905
Media Public Water Supply
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 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

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

| | | | | |
|---|--|-----------------------|-------------------------|----------------|
| Customer/Respondent/Owner-Operator: | CN603554551 | GILLOTT, DAVID T | Classification: AVERAGE | Rating: 3.01 |
| Regulated Entity: | RN101196905 | T L WATER JONES ACRES | Classification: | Site Rating: |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY | | REGISTRATION | 2490018 |
| Location: | 1 MI N OF NEWARK ON N SIDE OF FM 718 (EDNA ST), WISE COUNTY, TEXAS | | | |
| TCEQ Region: | REGION 04 - DFW METROPLEX | | | |
| Date Compliance History Prepared: | January 09, 2012 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | January 09, 2007 to January 09, 2012 | | | |
| 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: 10/06/2011 ADMINORDER 2010-1418-PWS-E
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 - Description: Failed to obtain a sanitary control easement which covers all land within 150 feet of the well.

 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failure to provide a minimum total storage capacity of 200 gallons per connection in Pressure Plane #1.

 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failure to provide a minimum service pump capacity of 2.0 gallons per minute per connection.

 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 - Description: Failure to provide ground storage tanks that are designed and fabricated in accordance with AWWA standards.

 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
 - Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.

 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 - Description: Failure to compile and maintain current a thorough and up-to-date plant operations manual for operator review and reference.

 - Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to ensure the good working condition of the Facility's equipment and mechanical devices.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to install electrical wiring in compliance with a local or national electrical code.
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)(A)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failure to make all water system records available for review by Commission personnel at the time of an investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
5A THSC Chapter 341, SubChapter A 341.0315(a)(1)
Description: Failure to provide a minimum well production capacity of 0.6 gpm per connection.
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failure to maintain a copy of the well completion data on file at the Facility.

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

N/A

C. Chronic excessive emissions events.

N/A

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

| | | |
|---|------------|----------|
| 1 | 08/29/2008 | (687523) |
| 2 | 10/08/2009 | (775388) |
| 3 | 04/13/2010 | (797900) |
| 4 | 07/19/2010 | (841316) |
| 5 | 12/14/2011 | (974652) |
| 6 | 12/12/2011 | (974667) |
| 7 | 12/22/2011 | (974717) |
| 8 | 12/22/2010 | (976446) |
| 9 | 11/03/2009 | (976447) |

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

| | | | |
|--------------|---|----------|--------------------------|
| Date: | 10/02/2009 | (775388) | CN603554551 |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N) | | |
| Description: | Failure to install an operable flow meter on the well #2 (G0490018B) pump discharge line. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | | |
| Description: | Failed to obtain a sanitary control easement which covers all land within 150 feet of the well. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii) 5A THSC Chapter 341, SubChapter A 341.0315(c) | | |
| Description: | Failure to provide a minimum total storage capacity of 200 gallons per connection in Pressure Plane #1. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii) 5A THSC Chapter 341, SubChapter A 341.0315(c) | | |
| Description: | Failure to provide a minimum service pump capacity of 2.0 gallons per minute per connection. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(c)(2) | | |

Description: Failure to provide ground storage tanks that are designed and fabricated in accordance with AWWA standards.

Self Report? NO Classification: Moderate

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

Description: Failure to employ a certified operator.

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to compile and maintain current a thorough and up-to-date plant operations manual for operator review and reference.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to ensure the good working condition of the Facility's equipment and mechanical devices.

Self Report? NO Classification: Moderate

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

Description: Failure to install electrical wiring in compliance with a local or national electrical code.

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

Description: Failure to make all water system records available for review by Commission personnel at the time of an investigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
5A THSC Chapter 341, SubChapter A 341.0315(a)(1)

Description: Failure to provide a minimum well production capacity of 0.6 gpm per connection.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain a copy of the well completion data on file at the Facility.

Date: 11/03/2009 (976447) CN603554551

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: CCR 2008 - This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2008 - This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

Date: 12/22/2010 (976446) CN603554551

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: CCR 2009 - This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2009 - This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Date: 01/26/2011 (974652) CN603554551

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

Description: GWR Triggered Source Monitoring Violation 10/2010 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 2 sources.

Date: 12/12/2011 (974667) CN603554551
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: CCR 2010 - This system did not deliver the annual Consumer Confidence Report (CCR)
for 2010 to its bill-paying customers.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2010 - This system failed to deliver a copy and certification of delivery of the
annual Consumer Confidence Report (CCR) for the 2010 CCR year to the TCEQ.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DAVID T. GILLOTT DBA
T L WATER JONES ACRES;
RN101196905**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-0114-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is David T. Gillott d/b/a T L Water Jones Acres ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located approximately one mile north of Farm-to-Market Road 3433 and Farm-to-Market Road 718 in Newark, Wise County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 40 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on December 12, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to collect at least one raw groundwater source Escherichia coli ("E. coli") sample from each of the two active sources within 24 hours of being notified of a distribution total coliform-positive result in October 2010, and failed to provide public notice of the failure to collect a raw groundwater source E. coli sample from each active source within 24 hours of being notified of a distribution total coliform-positive result;
 - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year, and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2009 and 2010;

- c. Failed to provide the results of triennial metals sampling to the Executive Director for the monitoring period from January 1, 2008, through December 31, 2010;
 - d. Failed to provide the results of annual nitrate sampling to the Executive Director for the year 2010; and
 - e. Failed to pay public health service fees, including late fees, for TCEQ Financial Administration ("FA") Account No. 92490018 for Fiscal Year 2011.
3. Respondent received notice of the violations on or about December 21, 2011.
 4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of David T. Gillott d/b/a T L Water Jones Acres" (the "EDPRP") in the TCEQ Chief Clerk's office on May 15, 2012.
 5. By letter dated May 15, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
 6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect at least one raw groundwater source E. coli sample from each of the two active sources within 24 hours of being notified of a distribution total coliform-positive result, and failed to provide public notice of the failure, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year, and failed to submit to the Executive Director by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of triennial metals sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of annual nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay public health service fees, including late fees, for TCEQ FA Account No. 92490018 for Fiscal Year 2011, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3).
7. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
8. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of one thousand four hundred fifty dollars (\$1,450.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of one thousand four hundred fifty dollars (\$1,450.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: David T. Gillott d/b/a T L Water Jones Acres; Docket No. 2012-0114-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Implement procedures to ensure that required raw groundwater samples are collected when required, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility (Conclusion of Law No. 2);
 - ii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2011 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Conclusion of Law No. 3);
 - iii. 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) and 290.108 (Radionuclide Contaminants) (Conclusions of Law Nos. 4 and 5);
 - iv. Update the Facility's written 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 within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.108 (Radionuclide Contaminants) (Conclusions of Law Nos. 4 and 5);
 - v. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 3); and
 - vi. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 92490018 (Conclusion of Law No 6). The payment shall be sent with the notation "David T. Gillott d/b/a T L Water Jones Acres, FA Account No. 92490018" to:

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

- b. Within 45 days after the effective date of this Order, Respondent shall
- i. Submit written certification as described in Ordering Provision No. 3.d., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.ii. through 3.a.vi.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

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

- c. Within 180 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.d., below, to demonstrate compliance with Ordering Provision No. 3.a.i.
- d. 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 fines and imprisonment for knowing violations."

The certifications 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:

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

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS

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COUNTY OF TRAVIS

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of David T. Gillott d/b/a T L Water Jones Acres" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 15, 2012.

The EDPRP was mailed to Respondent's last known address on May 15, 2012, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

Peipey Tang

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

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

Given under my hand and seal of office this 13th day of June, A.D. 2012.

Margaret Jackson
Notary Signature

