EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 44343
FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
RN102672854
Docket No. 2012-1237-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
intersection of County Road 387 and Creek Side Drive, Stephenville, Erath County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	$200.00 (2012-2089-PWS-E)
Past-Due Fees:	$2,017.02 (Acct. No. 90720033)
Interested Third-Parties:	None

Texas Register Publication Date: September 13, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: $5,070

Total Paid to General Revenue: $0

Total Due to General Revenue: $5,070

Compliance History Classifications:
Person/CN –N/A (Both Respondents)
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011 (PCW 1); September 2002 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: April 23, 2012; October 16, 2012

Date(s) of NOV(s): See Compliance Histories – 8 related NOVs

Date(s) of NOE(s): April 27, 2012

Violation Information

1. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(i), (c)(3)(A)(ii) and 290.122(c)(2)(A)].
2. Failed to collect at least five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notice of the failure to conduct increased monitoring [TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].
3. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice of the MCL exceedance [TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(A)].
4. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notice of the failure to collect one raw groundwater sample [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)].
5. 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 the quarter, and failed to provide public notice of the failure [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A)].
6. Failed to report the results for triennial metals, minerals, volatile organic contaminant ("VOC"), and synthetic organic contaminant ("SOC") monitoring to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
7. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
8. 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 TCEQ 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 year 2010 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
9. Failed to pay annual Public Health Service fees for Fiscal Years 2002 through 2012 for FA Account No. 90722033 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 10 days:
   a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility; and
   b. Begin complying with applicable coliform monitoring requirements, including the collection of all routine, repeat, increased distribution samples and raw groundwater source *Escherichia coli* samples from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.

2. Within 30 days:
   a. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facility;
   b. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
   c. 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 within ten days of the Executive Director's request or of their receipt by the Facility, whichever is later;
   d. 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; and
   e. Submit payment for all outstanding fees, interest and penalties for TCEQ Financial Administration Account No. 90720033.
3. Within 45 days, submit to the TCEQ a copy of the CCR provided to customers of the Facility for the year 2010 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; and
4. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter.
5. Submit written certification to demonstrate compliance:
   a. Within 30 days for Technical Requirement No. 1.a.;
   b. Within 45 days for Technical Requirement No. 2;
   c. Within 60 days for Technical Requirement No. 3;
   d. Within 195 days for Technical Requirement No. 1.b.; and
   e. Within 285 days for Technical Requirement No. 4.

Litigation Information

Date Petition(s) Filed: April 19, 2013; May 10, 2013

Date Green Card(s) Signed: Unclaimed; May 14, 2013

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Epi Villarreal, Enforcement Division, (361) 825-3425

TCEQ Regional Contact: Jeff Tate, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent: Donald S. Fletcher, President, FLETCHER ANIMAL CLINIC, P.C., 910 County Road 380, Dublin, Texas 76446

Respondent's Attorney: N/A

THIS PAGE INTENTIONALLY LEFT BLANK

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

TCEQ

DATES					
Assigned	4-Jun-2012				
PCW	17-Jun-2013	Screening	4-Jun-2012	EPA Due	31-Mar-2010

RESPONDENT/FACILITY INFORMATION

Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		
Reg. Ent. Ref. No.	RN102672854		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44343	No. of Violations	7
Docket No.	2012-1237-PWS-E	Order Type	1660
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* $1,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40.0% Enhancement *Subtotals 2, 3, & 7* $440

Notes: Enhancement for eight NOVs with the same/similar violations.

Culpability No 0.0% Enhancement *Subtotal 4* $0

Notes: The Respondent does 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 $618
Approx. Cost of Compliance $1,572

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $1,540

OTHER FACTORS AS JUSTICE MAY REQUIRE 36.6% *Adjustment* $563

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs associated with Violation Nos. 1 through 5.

Final Penalty Amount $2,103

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $2,103

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: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY $2,103

Screening Date	4-Jun-2012	**Docket No.**	2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park			*Policy Revision 3 (September 2011)*
Case ID No.	44343			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854			
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 (*number of NOVs meeting criteria*)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 40%

>> 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 eight NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 40%

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park	*Policy Revision 3 (September 2011)*	
Case ID No.	44343	*PCW Revision August 3, 2011*	
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(i), (c)(3)(A)(ii) and 290.122(c)(2)(A)

Violation Description Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice. Specifically, the Respondent collected three of the four required repeat samples for the month of October 2011 and collected five of the required six repeat distribution coliform samples for the month of December 2011; and did not provide public notice to persons served by the Facility regarding the failure to collect repeat distribution coliform samples for the months of October and December 2011.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to perform repeat coliform monitoring and provide public notice could result in persons served by the Facility being exposed to undetected contaminants, which would exceed levels protective of human health.

Adjustment $850

$150

Violation Events

Number of Violation Events 2 | 62 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $300

Two monthly events are recommended (based on one event for each month the required sampling was not conducted).

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 $300

Economic Benefit (EB) for this violation

Estimated EB Amount $102

Statutory Limit Test

Violation Final Penalty Total $574

This violation Final Assessed Penalty (adjusted for limits) $574

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 cost for this violation is captured in the Economic Benefit of Violation No. 2 of the Revision 2 PCW.						
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]	$25	26-Oct-2011	27-Oct-2011	0.00	$0	$25	$25
ONE-TIME avoided costs [3]	$25	30-Dec-2011	31-Dec-2011	0.00	$0	$25	$25
Other (as needed)	$25	1-Nov-2011	31-Jan-2012	1.17	$1	$25	$26
Other (as needed)	$25	1-Jan-2012	31-Mar-2012	1.16	$1	$25	$26
Notes for AVOIDED costs	The one-time avoided costs include the estimated amount ($25/samples x [1 for October +1 for December]) to collect a set of repeat distribution coliform samples, calculated for the 24-hour period the samples were due. The other avoided costs include the estimated amount to provide public notice, calculated for the time frame the notices should have been provided.						

Approx. Cost of Compliance	$100	TOTAL	$102

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 3 (September 2011)*
Case ID No.	44343		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect at least five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notice of the failure to conduct increased monitoring. Specifically, the Respondent only collected one of the required five routine distribution coliform samples for the month of November 2011.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	Actual			
	Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to properly sample and provide public notice may expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment $850

$150

Violation Events

Number of Violation Events: 1 — 30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $150

One monthly 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 $150

Economic Benefit (EB) for this violation

Estimated EB Amount $126

Statutory Limit Test

Violation Final Penalty Total $287

This violation Final Assessed Penalty (adjusted for limits) $287

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 cost for this violation is captured in the Economic Benefit of Violation No. 2 of the Revision 2 PCW.

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]	$100	1-Nov-2011	30-Nov-2011	0.00	$0	$100	$100
Other (as needed)	$25	1-Dec-2011	29-Feb-2012	1.16	$1	$25	$26

Notes for AVOIDED costs: The one-time avoided costs include the estimated amount ($25/samples x 4 samples) to collect a set of increased monitoring distribution coliform samples, calculated for the month the samples were due. The other avoided costs include the estimated amount to provide public notice, calculated for the time frame the notice should have been provided.

Approx. Cost of Compliance $125

TOTAL $126

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 3 (September 2011)*
Case ID No.	44343		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(c)(2)(A) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice of the MCL exceedance for the month of December 2011.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: As a result of the exceedance and the failure to provide public notice persons served by the Facility have been exposed to significant amounts of contaminants which do not exceed levels protective of human health.

Adjustment $850

$150

Violation Events

Number of Violation Events 1 | 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $150

One monthly 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 $150

Economic Benefit (EB) for this violation

Estimated EB Amount $236

Statutory Limit Test

Violation Final Penalty Total $287

This violation Final Assessed Penalty (adjusted for limits) $287

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 cost for this violation is captured in the Economic Benefit of Violation No. 2 of the Revision 2 PCW.						
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]	$200	1-Dec-2011	31-Dec-2011	1.00	$10	$200	$210
Other (as needed)	$25	1-Jan-2012	31-Mar-2012	1.16	$1	$25	$26
Notes for AVOIDED costs	The one-time avoided cost includes the estimated amount to provide additional oversight necessary to prevent or avoid the exceedance, calculated for the month the exceedance occured and the other avoided cost includes the amount necessary to provide public notice, calculated for the time frame the notice should have been provided.						

Approx. Cost of Compliance $225

TOTAL $236

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 3 (September 2011)*
Case ID No.	44343		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)

Violation Description Failed to collect one raw groundwater source Escherichia coli sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notice of the failure to collect one raw groundwater sample for the month of December 2011.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to collect a triggered source monitoring sample and provide public notice could result in persons served by the Facility being exposed to undetected contaminants, including Escherichia coli, which would exceed levels protective of human health.

Adjustment $850

$150

Violation Events

Number of Violation Events 1 | 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $150

One monthly 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 $150

Economic Benefit (EB) for this violation

Estimated EB Amount $51

Statutory Limit Test

Violation Final Penalty Total $287

This violation Final Assessed Penalty (adjusted for limits) $287

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 cost for this violation is captured in the Economic Benefit of Violation No. 2 of the Revision 2 PCW.

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]	$25	30-Dec-2011	31-Dec-2011	0.00	$0	$25	$25
Other (as needed)	$25	1-Jan-2012	31-Mar-2012	1.16	$1	$25	$26

Notes for AVOIDED costs: The one-time avoided cost includes the estimated amount to conduct triggered source monitoring of the drinking water and provide public notice of the failure to conduct triggered source monitoring ($25/sample/well), calculated for the 24-hour period after the coliform-positive result. The other avoided cost includes the estimated amount to provide public notice, calculated for the time period that the notice should have been issued.

Approx. Cost of Compliance $50

TOTAL $51

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 3 (September 2011)*
Case ID No.	44343		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

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 the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the third and fourth quarters of 2011.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 2

184 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

Two quarterly 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 $100

Economic Benefit (EB) for this violation

Estimated EB Amount $48

Statutory Limit Test

Violation Final Penalty Total $191

This violation Final Assessed Penalty (adjusted for limits) $191

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 cost for this violation is captured in the Economic Benefit of Violation No. 1 of the Revision 2 PCW.

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]	$45	10-Oct-2011	10-Jan-2012	1.17	$3	$45	$48
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs: The avoided cost includes the estimated ($22.50 per DLQOR x 2 DLQORs) amount to ensure that DLQORs are completed and submitted to the Executive Director, calculated from the last day that the report was due for the third quarter of 2011 to the last day the report was due for the fourth quarter of 2011.

Approx. Cost of Compliance $45

TOTAL $48

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 3 (September 2011)*
Case ID No.	44343		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)

Violation Description Failed to report the results for triennial metals, minerals, volatile organic contaminants ("VOCs"), and synthetic organic contaminants ("SOCs") monitoring to the Executive Director. Specifically, the Respondent did not submit the metals, minerals, VOC and SOC monitoring results for the January 1, 2009 through December 31, 2011 reporting period.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 4 — 42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Four single events are recommended (based on one event for each report 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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $200

Economic Benefit (EB) for this violation

Estimated EB Amount $53

Statutory Limit Test

Violation Final Penalty Total $382

This violation Final Assessed Penalty (adjusted for limits) $382

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$183	31-Dec-2011	31-Jan-2013	1.09	$10	n/a	$10
Training/Sampling	$300	31-Dec-2011	31-Jan-2013	1.09	$16	n/a	$16
Training/Sampling	$264	31-Dec-2011	31-Jan-2013	1.09	$14	n/a	$14
Training/Sampling	$155	31-Dec-2011	31-Jan-2013	1.09	$8	n/a	$8
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$100	23-Apr-2012	31-Jan-2013	0.78	$4	n/a	$4

Notes for DELAYED costs: The delayed costs include the estimated amounts of the outstanding laboratory costs ($183/VOC sample; $300/SOC samples; $264/metals sample, and $155/minerals sample) that must be paid in order to release the test results, calculated from the last date of the reporting period to the estimated date of compliance. The other delayed cost includes the estimated amount to 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, 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 $1,002

TOTAL $53

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park	*Policy Revision 3 (September 2011)*	
Case ID No.	44343	*PCW Revision August 3, 2011*	
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 7

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

Violation Description Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director. Specifically, the Respondent did not submit nitrate/nitrite monitoring results for the January 1, 2011 through December 31, 2011 reporting period.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 1 — 42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $50

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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $96

This violation Final Assessed Penalty (adjusted for limits) $96

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$25	31-Dec-2011	31-Jan-2013	1.09	$1	n/a	$1
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 amounts of the outstanding laboratory costs ($25/nitrate/nitrite sample) that must be paid in order to release the test results, calculated from the last date of the reporting period to the estimated date of compliance. The other delayed costs are included in the Economic Benefit of Violation No. 6 of the Revision 3 PCW.

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 $25

TOTAL $1

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

DATES					
Assigned	4-Jun-2012				
PCW	17-Jun-2013	Screening	4-Jun-2012	EPA Due	31-Mar-2010

RESPONDENT/FACILITY INFORMATION			
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		
Reg. Ent. Ref. No.	RN102672854		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	44343	No. of Violations	3
Docket No.	2012-1237-PWS-E	Order Type	1660
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* **$1,700**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40.0% Enhancement *Subtotals 2, 3, & 7* **$680**

Notes: Enhancement for eight NOVs with the same/similar violations.

Culpability No 0.0% Enhancement *Subtotal 4* **$0**

Notes: The Respondent does 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 $612
Approx. Cost of Compliance $630

*Capped at the Total EB $ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$2,380**

OTHER FACTORS AS JUSTICE MAY REQUIRE 24.7% *Adjustment* **$587**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs associated with Violation Nos. 1 and 2.

Final Penalty Amount **$2,967**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$2,967**

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: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **$2,967**

Screening Date	4-Jun-2012	**Docket No.**	2012-1237-PWS-E
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		
Case ID No.	44343		
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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 (*number of NOVs meeting criteria*)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 40%

>> 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 eight NOVs with the same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 2 (September 2002)*
Case ID No.	44343		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 1

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 TCEQ 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 CCR to the bill paying customers nor did the Respondent submit the CCR or the required certification to the TCEQ for 2010.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $900

$100

Violation Events

Number of Violation Events: 1 — 42 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

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

Estimated EB Amount $82

Statutory Limit Test

Violation Final Penalty Total $175

This violation Final Assessed Penalty (adjusted for limits) $175

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	$75	1-Jul-2011	4-Jun-2012	1.85	$7	$75	$82
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCRs to the customers of the Facility (calculation: ($0.50 x 49 connections + $50), calculated from the due date of the delinquent CCR to the screening date.						

Approx. Cost of Compliance $75

TOTAL $82

Screening Date	4-Jun-2012	**Docket No.** 2012-1237-PWS-E	**PCW**
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park		*Policy Revision 2 (September 2002)*
Case ID No.	44343		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102672854		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A)

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 the quarter and failed to provide public notice of the failure to submit the required DLQOR. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs from the first quarter of 2007 through the fourth quarter of 2008; the second through fourth quarters of 2009; and from the second quarter of 2010 through the second quarter of 2011; and did not provide public notice of the failure to submit the DLQORs for the first quarter of 2007 and the second quarter of 2009.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $900

$100

Violation Events

Number of Violation Events: 16 — 1462 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,600

Sixteen quarterly events are recommended, based on one event for each quarter the required report was 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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $1,600

Economic Benefit (EB) for this violation

Estimated EB Amount $512

Statutory Limit Test

Violation Final Penalty Total $2,792

This violation Final Assessed Penalty (adjusted for limits) $2,792

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	23-Apr-2012	31-Jan-2013	0.78	$2	n/a	$2
Training/Sampling	$100	23-Apr-2012	31-Jan-2013	0.78	$4	n/a	$4
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 record keeping and training costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of signed and certified quarterly DLQORs; and to ensure all necessary public notifications are provided 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]	$360	10-Apr-2007	10-Jul-2011	5.17	$93	$360	$453
Other (as needed)	$25	10-Apr-2007	10-Jul-2007	1.17	$1	$25	$26
Other (as needed)	$25	10-Jul-2009	10-Oct-2009	1.17	$1	$25	$26

Notes for AVOIDED costs: The avoided cost includes the estimated ($22.50 per DLQOR x 16 DLQORs) amount to ensure that DLQORs are completed and submitted to the Executive Director, calculated from the last day that the report was due for the first quarter of 2007 to the last day the report was due for the second quarter of 2011. The other avoided cost include the estimated amount to provide public notice of the failure to submit the required DLQORs, calculated for the time frame the notices should have been provided.

Approx. Cost of Compliance $555

TOTAL $512

PCW

Screening Date	4-Jun-2012
Docket No.	2012-1237-PWS-E
Respondent	Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No.	44343
Reg. Ent. Reference No.	RN102672854
Media [Statute]	Public Water Supply
Enf. Coordinator	Epifanio Villarreal

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 3

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

Violation Description Failed to pay all annual Public Health Service fees, for fiscal years 2002 through 2012, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 90720033.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Adjustment $1,000

$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

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 $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 $0

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

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

Economic Benefit Worksheet

Respondent Fletcher Animal Clinic, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park
Case ID No. 44343
Reg. Ent. Reference No. RN102672854
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN602281396, RN102672854, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator: CN602281388, FLETCHER ANIMAL CLINIC, P.C. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102672854, CATTAIL CREEK MHP **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: INTERSECTION OF COUNTY ROAD 387 AND CREEK SIDE DRIVE, ERATH COUNTY, TEXAS 76401

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0720033

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: October 16, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 4, 2007 to June 4, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Andrea Linson **Phone:** (512) 239-1482

Site and Owner/Operator History:

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 for #2, who is the current owner/operator?	N/A
4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

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

Item 1	May 25, 2010	(801419)
Item 2	June 29, 2012	(1008140)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/19/2007 (1001766) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2007 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2007.

2 Date: 10/01/2009 (1001771) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2009 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2009.

3 Date: 12/12/2011 (1001776) CN602281396

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 - The 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 - The 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.

4 Date: 01/04/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 12/2011 - System exceeded a maximum contaminant level.

5 Date: 02/29/2012 (1001645) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 11/2011 - Failure to collect all of the 5 distribution samples following a coliform found month.

6 Date: 02/29/2012 (1001575) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 10/2011 - Failure to collect all repeats following a coliform found result.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2011 TCR Repeat Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code § 290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 10/2011.

7 Date: 03/13/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
Description: GWR Triggered Source Monitoring Violation 12/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

8 Date: 03/15/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 12/2011 - Failure to collect all repeats following a coliform found result.

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 Report

PUBLISHED Compliance History Report for CN602281396, RN102672854, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator: CN602281396, Donald S. Fletcher **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN102672854, CATTAIL CREEK MHP **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: INTERSECTION OF COUNTY ROAD 387 AND CREEK SIDE DRIVE, ERATH COUNTY, TEXAS 76401

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0720033

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: July 09, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 4, 2007 to June 4, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Epi Villarreal **Phone:** (361) 825-3425

Site and Owner/Operator History:

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 for #2, who is the current owner/operator?	N/A
4) If YES for #2, 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

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

Item 1	May 25, 2010	(801419)
Item 2	June 29, 2012	(1008140)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/19/2007 (1001766) CN602281396

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2007 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2007.

2 Date: 10/01/2009 (1001771) CN602281396

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2009 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2009.

3 Date: 12/12/2011 (1001776) CN602281396

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 - The 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 - The 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.

4 Date: 01/04/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 12/2011 - System exceeded a maximum contaminant level.

5 Date: 02/29/2012 (1001645) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase Monitoring Violation 11/2011 - Failure to collect all of the 5 distribution samples following a coliform found month.

6 Date: 02/29/2012 (1001575) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 10/2011 - Failure to collect all repeats following a coliform found result.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2011 TCR Repeat Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code § 290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 10/2011.

7 Date: 03/13/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
Description: GWR Triggered Source Monitoring Violation 12/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.

8 Date: 03/15/2012 (1001685) CN602281396

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 12/2011 - Failure to collect all repeats following a coliform found result.

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 FLETCHER ANIMAL CLINIC, P.C. AND DONALD S. FLETCHER, DBA CATTAIL CREEK MOBILE HOME PARK; RN102672854	**§ § § § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-1237-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 respondents. The respondents made the subject of this Order are FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park ("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 the intersection of County Road 387 and Creek Side Drive in Stephenville, Erath County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 49 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 April 23, 2012, a TCEQ Central Office investigator documented that Respondent:

   a. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice. Specifically, Respondents collected three of the four required repeat samples for the month of October 2011, collected five of the required six repeat distribution coliform samples for the month of December 2011, and did not provide public notice to persons served by the Facility regarding the failure to collect repeat distribution coliform samples for those months;

   b. Failed to collect at least five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notice of the failure to conduct increased monitoring. Specifically, Respondents only collected one of the required five routine distribution coliform samples for the month of November 2011;

c. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice of the MCL exceedance for the month of December 2011;

d. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notice of the failure to collect one raw groundwater sample for the month of December 2011;

e. 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 the quarter and failed to provide public notice of the failure. Specifically, Respondents did not submit DLQORs from the first quarter of 2007 through the fourth quarter of 2008, the second through fourth quarters of 2009, and from the second quarter of 2010 through the fourth quarter of 2011, and did not provide public notice of the failure to submit the DLQORs for the first quarter of 2007 and the second quarter of 2009;

f. Failed to report the results for triennial metals, minerals, volatile organic contaminant ("VOC"), and synthetic organic contaminant ("SOC") monitoring to the Executive Director. Specifically, Respondents did not submit the metals, minerals, VOC and SOC monitoring results for the January 1, 2009 through December 31, 2011 reporting period;

g. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director. Specifically, Respondents did not submit nitrate/nitrite monitoring results for the January 1, 2011 through December 31, 2011 reporting period; and

h. 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 TCEQ 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, Respondents did not mail or directly deliver the CCR to the bill paying customers nor did Respondents submit the CCR or the required certification to the TCEQ for 2010.

3. During a record review conducted on October 16, 2012, a TCEQ Central Office investigator documented that Respondents failed to pay all annual Public Health Service (“PHS”) fees for fiscal years 2002 through 2012, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 90720033.

4. Respondents received notice of the violations documented during the April 23, 2012, record review on or about May 2, 2012. Respondents received notice of the violation documented during the October 16, 2012, record review on or about November 19, 2012.

5. 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 FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher dba Cattail Creek Mobile Home Park” (the “EDPRP”) in the TCEQ Chief Clerk’s office on April 19, 2013.

6. The EDPRP was mailed to Respondents' last known address on April 19, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

7. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on May 10, 2013.

8. By letter dated May 10, 2013, sent to Respondents' last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt "green card," Respondents received notice of the EDPRP on May 14, 2013, as evidenced by the signature on the card.[1]

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

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, TEX. WATER CODE ch. 5, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2.a., Respondents failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(i), (c)(3)(A)(ii) and 290.122(c)(2)(A).

3. As evidenced by Finding of Fact No. 2.b., Respondents failed to collect at least five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notice of the failure to conduct increased monitoring, in violation of TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).

4. As evidenced by Finding of Fact No. 2.c., Respondents failed to comply with the MCL for total coliform and failed to provide public notice of the MCL exceedance, in violation of TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(A).

5. As evidenced by Finding of Fact No. 2.d., Respondents failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notice of the failure to collect one raw groundwater sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A).

6. As evidenced by Finding of Fact No. 2.e., Respondents failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notice of the failure, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A).

7. As evidenced by Finding of Fact No. 2.f., Respondents failed to report the results for triennial metals, minerals, VOC, and SOC monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.107(e).

---

[1] Respondent Donald S. Fletcher is President and Director of Respondent Fletcher Animal Clinic, P.C. Thus, both Respondents were served at the same address.

8. As evidenced by Finding of Fact No. 2.g., Respondents failed to report the results of annual nitrate/nitrite monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

9. As evidenced by Finding of Fact No. 2.h., Respondents 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 TCEQ 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).

10. As evidenced by Finding of Fact No. 3, Respondents failed to pay annual PHS fees, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.

11. As evidenced by Findings of Fact Nos. 5, 6, 7 and 8, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

12. As evidenced by Finding of Fact No. 9, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.

13. 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.

14. An administrative penalty in the amount of five thousand seventy dollars ($5,070.00) 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.

15. 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. Respondents are assessed an administrative penalty in the amount of five thousand seventy dollars ($5,070.00) 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: FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park; Docket No. 2012-1237-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. Respondents shall undertake the following technical requirements:

a. Within 10 days after the effective date of this Order, Respondents shall:

i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 2, 3, 4 and 5); and

ii. Begin complying with applicable coliform monitoring requirements, including the collection of all routine, repeat, increased distribution samples and raw groundwater source *Escherichia coli* samples from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants, 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 (Conclusions of Law Nos. 2, 3, 4 and 5).

b. Within 30 days after the effective date of this Order, Respondents shall:

i. Submit written certification, in accordance with Order Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.a.i.;

ii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2010 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Conclusion of Law No. 9);

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 290.107 (Organic Contaminants) (Conclusions of Law Nos. 7 and 8);

iv. 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 within ten days of the Executive Director's request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.107 (Organic Contaminants) (Conclusions of Law Nos. 7 and 8);

v. 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 (Conclusion of Law No. 6); and

vi. Submit payment for all outstanding fees, interest and penalties for TCEQ Financial Administration Account No. 90720033 (Conclusion of Law No. 10). The payment shall be sent with the notation "Re: FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher, dba Cattail Creek Mobile Home Park, Financial Administration Account No. 90720033" to:

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

c. Within 45 days after the effective date of this Order, Respondents shall:

i. Submit written certification, in accordance with Order Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.b.ii. through 3.b.vi.; and

ii. Submit to the TCEQ a copy of the CCR provided to customers of the Facility for the year 2010 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 (Conclusion of Law No. 9). The copy of the CCR and certification shall be mailed to:

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

d. Within 60 days after the effective date of this Order, Respondents shall submit written certification, in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 14.c.ii.

e. Within 90 days after the effective date of this Order, Respondents shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 6). 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

f. Within 195 days after the effective date of this Order, Respondents shall submit written certification, in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.a.ii.

g. Within 285 days after the effective date of this Order, Respondents shall submit written certification, in accordance with Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.e.

h. 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:

Bob Patton, Jr., Section Manager
Public Drinking Water Section, 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. Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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 Respondents if the Executive Director determines that Respondents have 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 JENNIFER COOK

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Jennifer Cook. 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 FLETCHER ANIMAL CLINIC, P.C. and Donald S. Fletcher dba Cattail Creek Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 19, 2013 and May 10, 2013.

The EDPRP was mailed to Respondent's last known address on April 19, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed".

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on May 10, 2013.

The EDPRP was mailed to Respondent's last known address on May 10, 2013, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondents received notice of the EDPRP on May 14, 2013, as evidenced by the signature on the card.

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

Jennifer Cook, Special Counsel
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jennifer Cook, 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 16th day of August, A.D. 2013.

BRITTANY MASON
Notary Public, State of Texas
My Commission Expires
FEBRUARY, 09, 2015

Notary without Bond

Notary Signature