

**Executive Summary – Enforcement Matter – Case No. 48171  
Virginia Franklin Fuller dba Franklin Water Systems 3  
RN101264372  
Docket No. 2014-0105-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Franklin Water Systems 3, 4813 Idalou Road, Lubbock, Lubbock County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 18, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,899

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$1,899

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$26

**Applicable Penalty Policy:** September 2002 and September 2011

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 4, 2013

**Date(s) of NOE(s):** January 10, 2014

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**Virginia Franklin Fuller dba Franklin Water Systems 3**  
**RN101264372**  
**Docket No. 2014-0105-PWS-E**

***Violation Information***

1. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and provide the results to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].
2. Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") [30 TEX. ADMIN. CODE §§ 290.272, 290.273 and 290.274(a)].
3. Failed to provide public notification regarding the acute maximum contaminant level exceedances for nitrate for the fourth quarter 2011 through the second quarter 2013 [30 TEX. ADMIN. CODE § 290.122(a)(3)(B)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but not limited to: providing public notification regarding the failure to comply with the acute maximum contaminant level for nitrate for the fourth quarter 2011 through the second quarter 2013;

ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory and the results reported to the ED within ten days following the end of each monitoring period; and

iii. Mail or directly deliver one copy of the complete and accurate CCR prepared using the compliance monitoring data for the year 2012 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with Ordering Provision a.; and

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ii. Submit to the Commission a copy of the complete and accurate 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.

c. Within 60 days, submit written certification to demonstrate compliance with Ordering Provision b.ii.

d. Within 90 days, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the ED within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one compliant monitoring period.

e. Within 470 days, submit written certification to demonstrate compliance with Ordering Provision d.

***Litigation Information***

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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Virginia Franklin Fuller, Owner, Franklin Water Systems 3, 401 North Carroll Avenue, Suite 156, Southlake, Texas 76092  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	13-Jan-2014	<b>Screening</b>	22-Jan-2014	<b>EPA Due</b>	31-Dec-2013
	<b>PCW</b>	12-Feb-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Virginia Franklin Fuller dba Franklin Water Systems 3		
<b>Reg. Ent. Ref. No.</b>	RN101264372		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48171	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2014-0105-PWS-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Montgomery	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$ Limit Minimum</b>		\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes** Enhancement for four NOV's with same/similar violations, one agreed order without a denial of liability and one default order.

**Culpability**   Enhancement **Subtotal 4**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$228
Approx. Cost of Compliance	\$250

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes** Enhancement to recover the avoided cost of compliance associated with Violation No. 1.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes** No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 22-Jan-2014

Docket No. 2014-0105-PWS-E

PCW

Respondent Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 2 (September 2002)

Case ID No. 48171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101264372

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

### 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	0	0%
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	2	50%
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%

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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, one agreed order without a denial of liability and one default order.

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

Screening Date 22-Jan-2014

Docket No. 2014-0105-PWS-E

PCW

Respondent Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 2 (September 2002)

Case ID No. 48171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101264372

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.117(c)(2) and (i)(1)

Violation Description Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and provide the results to the Executive Director. Specifically, it was documented that the Respondent did not collect the required lead and copper samples for the January 1, 2002 through December 31, 2010 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 3286

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

Violation Base Penalty \$250

One single event is recommended.

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 (marked with x).

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount \$228

Statutory Limit Test

Violation Final Penalty Total \$649

This violation Final Assessed Penalty (adjusted for limits) \$649

# Economic Benefit Worksheet

**Respondent** Virginia Franklin Fuller dba Franklin Water Systems 3  
**Case ID No.** 48171  
**Reg. Ent. Reference No.** RN101264372  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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)	\$100	4-Dec-2013	31-Aug-2014	0.74	\$4	n/a	\$4

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed 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]	\$150	1-Jan-2002	31-Dec-2010	9.92	\$74	\$150	\$224
Other (as needed)			0.00	\$0	\$0	\$0	

#### Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x 5 samples x 1 monitoring period), calculated for the monitoring period in which samples were required.

Approx. Cost of Compliance \$250

**TOTAL** \$228



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	13-Jan-2014	<b>Screening</b>	22-Jan-2014	<b>EPA Due</b>	31-Dec-2013
	<b>PCW</b>	1-May-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Virginia Franklin Fuller dba Franklin Water Systems 3		
<b>Reg. Ent. Ref. No.</b>	RN101264372		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48171	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-0105-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katy Montgomery
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$510**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **70.0%** Enhancement **Subtotals 2, 3, & 7** **\$357**

Notes: Enhancement for four NOV's with same/similar violations, one agreed order without a denial of liability and one default order.

**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 **\$364**  
 Approx. Cost of Compliance **\$507**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$867**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **41.2%** **Adjustment** **\$357**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided costs of compliance associated with Violation Nos. 1 and 3.

**Final Penalty Amount** **\$1,224**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,250**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$1,250**

**Screening Date** 22-Jan-2014

**Docket No.** 2014-0105-PWS-E

**PCW**

**Respondent** Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 3 (September 2011)

**Case ID No.** 48171

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101264372

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Katy Montgomery

### 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	0	0%
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	2	50%
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%

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)** 70%

>> **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 four NOVs with same/similar violations, one agreed order without a denial of liability and one default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 70%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 70%

Screening Date 22-Jan-2014

Docket No. 2014-0105-PWS-E

PCW

Respondent Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 3 (September 2011)

Case ID No. 48171

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101264372

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.117(c)(2) and (i)(1)

Violation Description Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and provide the results to the Executive Director. Specifically, it was documented that the Respondent did not collect the required lead and copper samples for the January 1, 2013 through December 31, 2013 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 634

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164

Violation Final Penalty Total \$360

This violation Final Assessed Penalty (adjusted for limits) \$360

# Economic Benefit Worksheet

**Respondent** Virginia Franklin Fuller dba Franklin Water Systems 3  
**Case ID No.** 48171  
**Reg. Ent. Reference No.** RN101264372  
**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

The delayed cost of compliance is captured in the Economic Benefit Worksheet for 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]	\$150	1-Jan-2013	31-Dec-2013	1.92	\$14	\$150	\$164
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x 5 samples x 1 monitoring period), calculated for the monitoring period in which samples were required.

Approx. Cost of Compliance \$150

**TOTAL** \$164

Screening Date 22-Jan-2014

Docket No. 2014-0105-PWS-E

PCW

Respondent Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 3 (September 2011)

Case ID No. 48171

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101264372

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.272, 290.273 and 290.274(a)

Violation Description

Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") for the year of 2012. Specifically, the CCR does not include the following: date of delivery, source name, disinfectant residual and violations.

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 1.0%

Matrix Notes

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

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$24

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

# Economic Benefit Worksheet

**Respondent** Virginia Franklin Fuller dba Franklin Water Systems 3  
**Case ID No.** 48171  
**Reg. Ent. Reference No.** RN101264372  
**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)	\$82	4-Dec-2013	31-Aug-2014	0.74	\$3	n/a	\$3

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the complete and accurate 2012 CCR to the customers of the Facility and to the TCEQ ((([\$0.50 x 63 connections] + \$50) x 1 year), calculated from the due date of the 2012 CCR 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

\$82

**TOTAL**

\$3

Screening Date 22-Jan-2014

Docket No. 2014-0105-PWS-E

PCW

Respondent Virginia Franklin Fuller dba Franklin Water Systems 3

Policy Revision 3 (September 2011)

Case ID No. 48171

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101264372

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.122(a)(3)(B)

Violation Description

Failed to provide public notification regarding the acute maximum contaminant level exceedances for nitrate for the fourth quarter 2011 through the second quarter 2013. Specifically, public notification was required by November 12, 2012, December 23, 2012, April 7, 2013, July 1, 2013 and November 13, 2013 and was not provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 7

638 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

Seven single events are recommended, (one for each missing notification).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$197

Violation Final Penalty Total \$840

This violation Final Assessed Penalty (adjusted for limits) \$840

## Economic Benefit Worksheet

**Respondent** Virginia Franklin Fuller dba Franklin Water Systems 3  
**Case ID No.** 48171  
**Reg. Ent. Reference No.** RN101264372  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	4-Dec-2013	31-Aug-2014	0.74	\$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 cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that public notification is posted 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]	\$175	18-Sep-2012	13-Nov-2013	2.07	\$18	\$175	\$193
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25 per notification), calculated from the date the first notice was requested to the date the last notification was required.

Approx. Cost of Compliance

\$275

**TOTAL**

\$197

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.



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN601450232, RN101264372, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN601450232, Virginia Franklin Fuller      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101264372, FRANKLIN WATER SYSTEMS 3      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 4813 IDALOU ROAD, LUBBOCK, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520080      **WATER LICENSING LICENSE** 1520080

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** January 22, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 22, 2009 to January 22, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Katy Montgomery      **Phone:** (210) 403-4016

## 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:**

- 1      Effective Date: 10/17/2011      ADMINORDER 2009-1295-PWS-E (Findings Order-Agreed Order Without Denial)  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)  
    Description: Failure to prevent livestock in pastures from being allowed within 50' of a water supply well.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)  
    Description: Failure to meet the minimum required capacities.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
    Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to Water Well Drillers and Water Well Pump Installers), or test the well every five years or as required by the Executive Director to prove that it is in a nondeteriorated condition.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
            30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
    Description: Failed to initiate maintenance and housekeeping practice's to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the record review, it was documented that during

an investigation conducted on October 27, 2008, the investigator observed a large flooded area in the alley adjacent to Well No. 2 as a result of a hose that had been connected directly to the discharge pipe of the well as an attempt to control leaks from the well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

Description: Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane.

Classification: Moderate

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

Description: Failed to maintain all distribution system lines and all related appurtenances in a watertight condition.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: During a record review of Facility No. 3 conducted on October 20, 2009, a TCEQ Central Office investigator documented that Respondent failed to pay all annual and late PHS fees for TCEQ Financial Administration Account No. 91520080 for Fiscal Years 2005 through 2008

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: During a record review of Facility No. 1 conducted on October 20, 2009, a TCEQ Central Office investigator documented that Respondent failed to pay all annual and late Public Health Services ( PHS ) fees for TCEQ Financial Administration Account No. 91520224 for Fiscal Years 2005 through 2008

2 Effective Date: 03/16/2013 ADMINORDER 2012-0171-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR 2008-This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2007-This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC MR 3Y2010 - This system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC MR 3Y2007-This system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL MR 3Y2007-This system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR YR2006-This system failed to monitor and/or failed to report radionuclide levels at EP004, EP006, and EP007 to the TCEQ for the annual monitoring period from 01/01/2006 to 12/31/2006.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR 4Q 2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR 3Q 2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2008 to 09/30/2008.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR 2Q2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR 1Q2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2008 to 03/31/2008.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q2007-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 3Q2007-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 2Q2007-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q2006 - This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2006 to 12/31/2006.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 1Q2007 - This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2007 to 03/31/2007.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR YR 2009 - This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR YR 2010 - This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: MTL MR 3Y2010 -This system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Y2009-This system failed to monitor and/or failed to report radionuclide levels at EP004, EP006, and EP007 to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Y2008 - This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2006 to 12/31/2008.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 1Q2009-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2009 to 03/31/2009.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 2Q2009-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2009 to 06/30/2009.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 3Q2009-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q2009-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 1Q2010-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 2Q2010-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 3Q2010-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q2010-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 1Q2011-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.  
Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 2Q2011-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR YR2006-This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2006 to 12/31/2006.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR YR2007-This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR YR2008 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR YR2009 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR YR2010 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO32 MR 4Q2011 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the quarterly monitoring period from 10/01/2011 to 12/31/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)  
30 TAC Chapter 290, SubChapter F 290.113(f)(2)  
Description: DBP MR YR2011 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2011 to 12/31/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)  
30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR YR2011 - The system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2011 to 12/31/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
Description: RAD MR 3Y2011 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2009 to 12/31/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: MIN MR 3Y2011 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2009 to 12/31/2011.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)  
30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: CYANIDE MR 6Y2011 - The system failed to monitor and/or failed to report cyanide levels to the TCEQ for the 6 year monitoring period from 01/01/2006 to 12/31/2011.  
Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter D 290.51(a)(3)  
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91520080 for Fiscal Years 2003 through 2011.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1 June 28, 2012 (1015154)

**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: 03/05/2013 (1139677) CN601450232  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 1Q2012 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 a violation of the maximum contaminant level for nitrate during the 1st quarter of 2012.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 2Q2012 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 a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2012.
- 2 Date: 07/09/2013 (1139677) CN601450232  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 1Q2013 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 a violation of the maximum contaminant level for nitrate during the 1st quarter of 2013.
- 3 Date: 11/13/2013 (1139677) CN601450232  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.272  
30 TAC Chapter 290, SubChapter H 290.273  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: CCR 2012 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2012 CCR year.
- 4 Date: 11/21/2013 (1139677) CN601450232  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 2Q2013 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 a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2013.

**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



Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR YR2007-This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007.

6 Date: 07/27/2009 (974868) CN601450232  
Classification: Major

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 1Q2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2008 to 03/31/2008.

7 Date: 07/27/2009 (974851) CN601450232  
Classification: Major

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 3Q 2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2008 to 09/30/2008.

8 Date: 07/27/2009 (974843) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR YR2006-This system failed to monitor and/or failed to report radionuclide levels at EP004, EP006, and EP007 to the TCEQ for the annual monitoring period from 01/01/2006 to 12/31/2006.

9 Date: 07/27/2009 (974908) CN601450232  
Classification: Major

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 3Q2007-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.

10 Date: 07/27/2009 (974936) CN601450232  
Classification: Major

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q2006 - This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2006 to 12/31/2006.

11 Date: 07/27/2009 (974863) CN601450232  
Classification: Major

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 2Q2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.

12 Date: 07/27/2009 (974817) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: SOC MR 3Y2007-This system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

13 Date: 07/27/2009 (974812) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: SOC MR 3Y2010 - This system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

14 Date: 07/27/2009 (974846) CN601450232  
Classification: Major  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR 4Q 2008-This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.

15 Date: 07/27/2009 (974731) CN601450232  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR YR 2008-This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

16 Date: 07/27/2009 (974828) CN601450232  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: MTL MR 3Y2007-This system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

17 Date: 05/27/2011 (922254) CN601450232  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failure to obtain sanitary control easements.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)  
Description: Failure to provide adequate well construction.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(2)  
30 TAC Chapter 290, SubChapter D 290.42(e)(3)  
Description: Failure to provide adequate disinfection equipment at Well #2.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)  
Description: Failure to provide an ownership sign at Well #2.

18\* Date: 12/14/2012 (1139677) CN601450232  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 4Q2011 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 a violation of the maximum contaminant level for nitrate during the 4th quarter of 2011.

19\* Date: 03/05/2013 (1139677) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 1Q2012 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 a violation of the maximum contaminant level for nitrate during the 1st quarter of 2012.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 2Q2012 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 a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2012.

20\* Date: 07/09/2013 (1139677) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 1Q2013 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 a violation of the maximum contaminant level for nitrate during the 1st quarter of 2013.

21\* Date: 11/13/2013 (1139677) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter H 290.272  
30 TAC Chapter 290, SubChapter H 290.273  
30 TAC Chapter 290, SubChapter H 290.274(a)  
Description: CCR 2012 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2012 CCR year.

22 Date: 11/21/2013 (1139677) CN601450232  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(B)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: NO3 AMCL PN 2Q2013 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 a violation of the maximum contaminant level for nitrate during the 2nd quarter of 2013.

\* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period January 22, 2009 and January 22, 2014

(747369)  
Item 1 May 29, 2009\*\* For Informational Purposes Only  
(762762)  
Item 2 July 27, 2009\*\* For Informational Purposes Only  
(922254)  
Item 3 May 26, 2011\*\* For Informational Purposes Only  
(944997)  
Item 4 August 08, 2011\*\* For Informational Purposes Only

Item 5	October 19, 2011**	(962663) For Informational Purposes Only
Item 6	November 22, 2011**	(965117) For Informational Purposes Only
Item 7	December 22, 2011**	(975122) For Informational Purposes Only
Item 8*	June 28, 2012**	(1015154) For Informational Purposes Only
Item 9	April 11, 2013**	(1077841) For Informational Purposes Only
Item 10	July 26, 2013**	(1104252) For Informational Purposes Only
Item 11	August 09, 2013**	(1104858) For Informational Purposes Only
Item 12	December 30, 2013	(1139677) For Informational Purposes Only
Item 13	January 10, 2014	(1139760) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>VIRGINIA FRANKLIN FULLER DBA</b>	<b>§</b>	
<b>FRANKLIN WATER SYSTEMS 3</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>RN101264372</b>	<b>§</b>	

**AGREED ORDER**  
**DOCKET NO. 2014-0105-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Virginia Franklin Fuller dba Franklin Water Systems 3 (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that she has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

## I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 4813 Idalou Road in Lubbock, Lubbock County, Texas (the "Facility") that has approximately 63 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on December 4, 2013, TCEQ staff documented that the Respondent did not collect the required lead and copper samples for the January 1, 2002 through December 31, 2010 and January 1, 2013 through December 31, 2013 monitoring periods.
3. During a record review conducted on December 4, 2013, TCEQ staff documented that the Consumer Confidence Report ("CCR") for the year 2012 does not include the following: date of delivery, source name, disinfectant residual and violations.
4. During a record review conducted on December 4, 2013, TCEQ staff documented that public notification was required by November 12, 2012, December 23, 2012, April 7, 2013, July 1, 2013 and November 13, 2013 and was not provided for nitrate exceedances.
5. The Respondent received notice of the violations on January 13, 2014.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and provide the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).<sup>1</sup>
3. As evidenced by Findings of Fact No. 3, the Respondent failed to meet the adequacy, availability, and/or content requirements for the CCR, in violation of 30 TEX. ADMIN. CODE §§ 290.272, 290.273 and 290.274(a).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification regarding the acute maximum contaminant level exceedances for nitrate for the fourth quarter 2011 through the second quarter 2013, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(3)(B).

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<sup>1</sup> Effective May 15, 2011, 30 TEX. ADMIN. CODE § 290.117 was amended and the requirements in 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1) were added (36 TEX. REG. 2860). Previously, the requirements in 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1) were required under 30 TEX. ADMIN. CODE § 290.117(a)(2)(A) and (m)(1)(B) (effective Jan. 9, 2008) and 40 C.F.R. § 141.86(c), (d)(ii), and (f)(2) (2007).

5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand Eight Hundred Ninety-Nine Dollars (\$1,899) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Eight Hundred Ninety Nine Dollar (\$1,899) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Eight Hundred Ninety-Nine Dollars (\$1,899) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Virginia Franklin Fuller dba Franklin Water Systems 3, Docket No. 2014-0105-PWS-E" 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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but not limited to: providing public notification regarding the failure to comply with the acute maximum contaminant level for nitrate for the fourth quarter 2011 through the second quarter 2013, in accordance with 30 TEX. ADMIN. CODE § 290.122;

- ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
  - iii. Mail or directly deliver one copy of the complete and accurate CCR prepared using the compliance monitoring data for the year 2012 or for the most current calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274.
- b. Within 45 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i., 2.a.ii. and 2.a.iii.; and
  - ii. Submit to the Commission a copy of the complete and accurate 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, as required by 30 TEX. ADMIN. CODE § 290.274. 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
- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.;
- d. Within 90 days after the effective date of this Agreed Order, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one compliant monitoring period; and

- e. Within 470 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

original  
System 3  
violation  
[revised]

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Monica J  
For the Executive Director

10/8/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Virginia Franklin Fuller dba Franklin Water Systems 3. I am authorized to agree to the attached Agreed Order on behalf of Virginia Franklin Fuller dba Franklin Water Systems 3, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Virginia Franklin Fuller dba Franklin Water Systems 3 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

In addition, any falsification of any compliance documents may result in criminal prosecution.

Virginia Fuller  
Signature

8-12-2014  
Date

Virginia Franklin Fuller  
Name (Printed or typed)  
Authorized Representative of  
Virginia Franklin Fuller dba Franklin Water Systems 3

Owner  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.