

Wendell Reese
RN102691052
Docket No. 2013-2019-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1.2 miles west of Farm-to-Market Road 457 on Pecan Shadows Street, Matagorda County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$2,931.92 (2012-0424-PWS-E; referred for collection)
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: November 7, 2014**Comments Received:** None

Penalty Information

Total Penalty Assessed: \$4,790**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$4,790**Compliance History Classifications:**

Person/CN –N/A

Site/RN – N/A

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** September 2011

Investigation Information

Complaint Date(s): N/A**Date(s) of Investigation:** September 13, 2013; October 28, 2013**Date(s) of NOV(s):** June 21, 2013; September 20, 2013; October 14, 2013**Date(s) of NOE(s):** October 8, 2013

Wendell Reese
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Violation Information

1. 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 the compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)]; and TCEQ Default Order Docket No. 2012-0424-PWS-E, Technical Requirements Nos. 1.a. and 2].
2. Failed to collect annual and quarterly nitrate samples and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.106(c) and (e); and TCEQ Default Order Docket No. 2012-0424-PWS-E, Technical Requirements Nos. 1.b. and 1.c.].
3. Failed to collect triennial metal and radionuclide samples and report the results to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(c) and (e), and 290.108(c) and (e); and TCEQ Default Order Docket No. 2012-0424-PWS-E, Technical Requirements Nos. 1.b. and 1.c.].
4. Failed to ensure that all delinquent drinking water chemical monitoring reports were submitted to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.113(e), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Technical Requirements Nos. 1.b. and 1.c.].
5. Failed to collect routine distribution water samples for coliform analysis [TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii)].
6. Failed to post public notification of the failure to collect routine distribution water samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
7. Failed to submit Disinfectant Level Quarterly Operating Reports (“DLQORs”) to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
8. Failed to collect annual synthetic organic chemical (“SOC”) contaminants samples and report the results to the Executive Director [TEX. ADMIN. CODE § 290.107(c) and (e)].
9. Failed to collect lead and copper tap samples at the required five sample sites and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2)(A) and (i)(1)].
10. Failed to pay Public Health Service (“PHS”) fees for the TCEQ Financial Administration Account No. 91610014 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Technical Requirements:

1. Within 30 days:
 - a. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established (Violation Nos. 2, 3, 4, and 8);
 - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected and released by the Facility’s laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later (Violation Nos. 2, 3, 4, and 8);
 - c. 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 (Violation No. 9);

Wendell Reese**RN102691052****Docket No. 2013-2019-PWS-E**

- d. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to customers of the Facility including providing public notification for the failure to collect a routine coliform sample in February 2013 (Violation No. 6);
 - e. Mail or directly deliver one copy of the consumer confidence report CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers (Violation No. 1);
 - f. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and by providing water that meets the provisions regarding microbial contaminants (Violation No. 5). This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
 - g. 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 (Violation No. 7); and
 - h. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91610014 (Violation 10).
2. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
 3. Within 90 days:
 - a. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of routine 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. This provision will be satisfied upon one compliant monitoring period; and
 - b. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
 4. Submit documentation and written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.e, 1.g., and 1.h.;
 - b. Within 60 days for Technical Requirement No. 2;
 - c. Within 225 days for Technical Requirement No. 1.f.
 - d. Within 285 days for Technical Requirement No. 3.b.
 - e. Within 470 days for Technical Requirement No. 3.a.

Litigation Information

Date Petition(s) Filed: July 28, 2014; August 11, 2014
Date Green Card(s) Signed: Unclaimed; Unclaimed
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Ryan Rutledge, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Aaron Tucker, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, (512)-239-2576
TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3500
Respondent Contact: Wendell Reese, 729 Private Road 672, Bay City, Texas 77414
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	18-Nov-2013	Screening	21-Nov-2013	EPA Due	31-Jan-2013
	PCW	22-Nov-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	Wendell Reese dba Pecan Shadows Water Supply Company
Reg. Ent. Ref. No.	RN102691052
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	43624	No. of Violations	10
Docket No.	2013-2019-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Abigail Lindsey
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,400
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	40.0% Enhancement Subtotals 2, 3, & 7 \$960

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,544	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$2,470		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,360
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OTHER FACTORS AS JUSTICE MAY REQUIRE	42.6%	Adjustment	\$1,430
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance for Violation Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

Final Penalty Amount	\$4,790
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,790
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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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	\$4,790
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Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

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>)	3	15%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 three NOVs with same/similar violations and one default order.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 40%

Screening Date 21-Nov-2013 **Docket No.** 2013-2019-PWS-E **PCW**
Respondent Wendell Reese dba Pecan Shadows Water Supply Company *Policy Revision 3 (September 2011)*
Case ID No. 43624 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN102691052
Media [Statute] Public Water Supply
Enf. Coordinator Abigail Lindsey

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.i. and 3.b.
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 the year of 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 337 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$80 **Violation Final Penalty Total** \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 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)				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]				0.00	\$0	\$0	\$0
Other (as needed)	\$75	1-Jul-2013	21-Nov-2013	1.31	\$5	\$75	\$80

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$75

TOTAL \$80

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.106(c) and (e), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.a.iii.

Violation Description Failed to collect annual and quarterly nitrate samples and report the results to the Executive Director. Specifically, the Respondent failed to collect annual nitrate samples for the January 1, 2012 through December 31, 2012 monitoring period and quarterly nitrate samples for the first and second quarters of 2013.

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 annual and quarterly nitrate 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 3 545 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$450

Three single 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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$898

This violation Final Assessed Penalty (adjusted for limits) \$898

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	20-Dec-2012	1-Sep-2014	1.70	\$8	n/a	\$8
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 future drinking water chemical sample results are collected, analyzed by the Facility's laboratories and reported to the Executive Director, calculated from the effective date of TCEQ Default Order Docket No. 2012-0424-PWS-E 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]	\$25	1-Jan-2012	31-Dec-2012	1.92	\$2	\$25	\$27
Other (as needed)	\$17	1-Jan-2013	30-Jun-2013	1.41	\$1	\$17	\$18

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$25 for annual nitrate per year and \$8.49 for quarterly nitrate per quarterly sample rounded up), calculated for the time frame sampling was required.

Approx. Cost of Compliance

\$142

TOTAL

\$54

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(c) and (e), and 290.108(c) and (e), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.a.iii.

Violation Description

Failed to collect triennial metal and radionuclide samples and report the results to the Executive Director. Specifically, the Respondent failed to collect metal and radionuclide samples for the January 1, 2010 through December 31, 2012 monitoring period.

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 triennial metal and radionuclide 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 2

337 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$300

Two single 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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$560

Violation Final Penalty Total \$599

This violation Final Assessed Penalty (adjusted for limits) \$599

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 3

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)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs of compliance for this violation are associated with the Economic Benefit for Violation No. 2.

Avoided Costs

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

Disposal			0.00	\$0	\$0	\$0	
Personnel			0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0	
Supplies/equipment			0.00	\$0	\$0	\$0	
Financial Assurance [2]			0.00	\$0	\$0	\$0	
ONE-TIME avoided costs [3]	\$468	1-Jan-2010	31-Dec-2012	3.92	\$92	\$468	\$560
Other (as needed)			0.00	\$0	\$0	\$0	

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$264 for metal and \$204 for radionuclide), calculated for the time frame sampling was required.

Approx. Cost of Compliance \$468

TOTAL \$560

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 4

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

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of July and August 2013.

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 routine distribution coliform 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 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.

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

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$599

This violation Final Assessed Penalty (adjusted for limits) \$599

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Jul-2013	31-Aug-2013	1.08	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct routine coliform sampling (\$25 x 2 missed samples), calculated for the months sampling was not conducted.

Approx. Cost of Compliance \$50

TOTAL \$53

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to post public notification of the failure to collect routine distribution water samples for the month of February 2013.

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

29 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	28-Oct-2013	1-Sep-2014	0.84	\$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 notice 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]	\$25	1-Mar-2013	30-May-2013	1.16	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to provide public notification (\$25 x 1 missed notice), calculated for the period public notification was required.

Approx. Cost of Compliance \$125

TOTAL \$31

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 6

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, it was documented that the Respondent did not submit DLQORs for the fourth quarter of 2011 through the second quarter of 2013.

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	Major	Moderate	Minor	Percent
			x		

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 7 547 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$350

Seven single 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 \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$179

Violation Final Penalty Total \$699

This violation Final Assessed Penalty (adjusted for limits) \$699

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	28-Oct-2013	1-Sep-2014	0.84	\$2	n/a	\$2
Training/Sampling	\$100	28-Oct-2013	1-Sep-2014	0.84	\$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 costs include the estimated amount to 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 quarterly DLQORs. Date required is the date of the record review documenting the violation and the final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$154	10-Jan-2012	10-Jul-2013	2.42	\$19	\$154	\$173
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to submit DLQORs (\$22 per report x 7 missed reports). Date required is the date the DLQOR was due for the fourth quarter 2011 and the final date is the date the DLQOR was due for the second quarter 2013.

Approx. Cost of Compliance \$299

TOTAL \$179

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.107(c) and (e)

Violation Description

Failed to collect annual synthetic organic chemical ("SOC") contaminants samples and report the results to the Executive Director. Specifically, the Respondent failed to collect SOC sample results for the January 1, 2011 through December 31, 2011 monitoring period.

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 annual SOC 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

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

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 \$329

Violation Final Penalty Total \$299

This violation Final Assessed Penalty (adjusted for limits) \$299

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs The delayed costs of compliance for this violation are associated with the Economic Benefit for Violation No. 2.

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	1-Jan-2011	31-Dec-2011	1.92	\$29	\$300	\$329
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to collect and have analyzed chemical analysis samples (\$300 for SOC), calculated for the time frame sampling was required.

Approx. Cost of Compliance	\$300	TOTAL	\$329
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Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2)(A) and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites and report the results to the Executive Director. Specifically, it was documented, that the Respondent failed to collect the required lead and copper samples for the January 1, 2011 through December 31, 2011 monitoring period.

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 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

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$169

Violation Final Penalty Total \$299

This violation Final Assessed Penalty (adjusted for limits) \$299

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	28-Oct-2013	1-Sep-2014	0.84	\$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 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-2011	31-Dec-2011	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 period in which samples were required.

Approx. Cost of Compliance

\$250

TOTAL

\$169

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e), and 290.107(e) and 290.113(e), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.a.iii.

Violation Description Failed to comply with TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.a.iii. by failing to ensure that all delinquent drinking water chemical monitoring reports were submitted to the Executive Director. Specifically, the results of triennial monitoring for mineral and Stage 1 Disinfectant Byproducts ("DBP") were not provided for the January 1, 2008 through December 31, 2010 monitoring period and sexennial monitoring for volatile organic chemical ("VOC") contaminants were not provided for the January 1, 2005 through December 31, 2010 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
	Actual			0.0%
	Potential			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 12 336 Number of violation days

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

Violation Base Penalty \$600

Twelve monthly events are recommended, calculated from the effective date of TCEQ Default Order Docket No. 2012-0424-PWS-E, December 20, 2012, to the screening date, November 21, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$90

Violation Final Penalty Total \$1,198

This violation Final Assessed Penalty (adjusted for limits) \$1,198

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$761	20-Dec-2012	1-Sep-2014	1.70	\$4	\$86	\$90
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees (\$264 for minerals, \$314 for DBP and \$183 for VOC) so that the lab will release all drinking water chemical analysis results. The date required is the effective date of TCEQ Default Order Docekt No. 2012-0424-PWS-E and the final date is the estimated date of compliance. The delayed training costs of compliance for this violation are associated with the Economic Benefit for Violation No. 2 on 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

\$761

TOTAL

\$90

Screening Date 21-Nov-2013

Docket No. 2013-2019-PWS-E

PCW

Respondent Wendell Reese dba Pecan Shadows Water Supply Company

Policy Revision 3 (September 2011)

Case ID No. 43624

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102691052

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91610014 for Fiscal Year 2013 .

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

Percent 0.0%

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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent Wendell Reese dba Pecan Shadows Water Supply Company
Case ID No. 43624
Reg. Ent. Reference No. RN102691052
Media Violation No. Public Water Supply
 10

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)			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 CN602801565, RN102691052, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602801565, Wendell Reese

Classification: N/A **Rating:** N/A

Regulated Entity: RN102691052, Pecan Shadows Water Supply Company

Classification: N/A **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1.2 Miles West of Farm-To-Market Road 457 on Pecan Shadows Street, Matagorda County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1610014

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

Date Compliance History Report Prepared: November 27, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 27, 2008 to November 27, 2013

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

Name: Abigail Lindsey

Phone: (512) 239-2576

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: 12/20/2012

ADMINORDER 2012-0424-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.

Classification: Moderate

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

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.

Classification: Moderate

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

Description: IRON MR YR2006 - This system failed to monitor and/or failed to report iron levels 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 290.106(e)

Description: MTL MR 3Y2009 - This system failed to monitor and/or failed to report metal levels 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 290.106(e)

Description: MTL MR 3Y2006 - This system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2004 to 12/31/2006.

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

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO32 MR YR2010 - This system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO32 MR YR2009 - This system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO32 MR YR2008 - This system failed to monitor and/or failed to report nitrate/nitrite 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 290.108(e)
Description: RAD MR 3Y2009 - This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the annual 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 3Y2006 - This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the annual monitoring period from 01/01/2004 to 12/31/2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR 6Y2010 - This system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the six year monitoring period from 01/01/2005 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Description: DBP MR 3Y2010 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: CCR 2010-System did not deliver the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2010 - This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2010 CCR year to the TCEQ.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: Sep 2008 TCR PN Repeat 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 09/2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: Oct 2008 TCR PN Increased Monitoring 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 10/2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: Nov 2008 TCR PN Routine Monitoring 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 11/2008.

Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(b)
Description: During a record review conducted on February 22, 2012, TCEQ staff documented that the Respondent did not pay all annual Public Health Service ("PHS") fees, for fiscal years of 2007 through 2012, including any associated late fees and penalties, for TCEQ Financial Administration Account No. 91610014.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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: 06/21/2013 (1129160) CN602801565**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: FEB/2013 TCR Routine MR 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 routine coliform monitoring for the month of 02/2013.
- 2 Date: 09/20/2013 (1129160) CN602801565**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 07/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 3 Date: 10/14/2013 (1129160) CN602801565**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 08/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WENDELL REESE
DBA PECAN SHADOWS WATER
SUPPLY COMPANY;
RN102691052**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-2019-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Wendell Reese d/b/a Pecan Shadows Water Supply Company ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located 1.2 miles west of Farm-to-Market Road 457 on Pecan Shadows Street in Matagorda County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 50 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 September 13, 2013, a TCEQ Central Office investigator documented that Respondent:
 - a. 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 the compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCR to the bill paying customers nor did Respondent submit the CCR or the required certification to the TCEQ for the year 2012;
 - b. Failed to collect annual and quarterly nitrate samples and report the results to the Executive Director. Specifically, Respondent failed to collect annual nitrate samples for the January 1, 2012 through December 31, 2012 monitoring period and quarterly nitrate samples for the first and second quarters of 2013;
 - c. Failed to collect triennial metal and radionuclide samples and report the results to the Executive Director. Specifically, Respondent failed to collect metal and radionuclide samples for the January 1, 2010 through December 31, 2012 monitoring period; and

- d. Failed to ensure that all delinquent drinking water chemical monitoring reports were submitted to the Executive Director. Specifically, the results for the triennial monitoring for mineral and Stage 1 Disinfectant Byproducts ("DBP") were not provided for the January 1, 2008 through December 31, 2010 monitoring period and sexennial monitoring for volatile organic chemical ("VOC") contaminants were not provided for the January 1, 2005 through December 31, 2010 monitoring period.
3. Respondent received notice of the violations in Finding of Fact No. 2 on or about October 13, 2013.
4. During a record review conducted on October 28, 2013, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to collect routine distribution water samples for coliform analysis for the months of July and August 2013;
 - b. Failed to post public notification of the failure to collect routine distribution water samples for the month of February 2013;
 - c. Failed to submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent did not submit DLQOR's for the fourth quarter of 2011 through the second quarter of 2013;
 - d. Failed to collect annual synthetic organic chemical ("SOC") contaminants samples and report the results to the Executive Director. Specifically, Respondent failed to collect SOC sample results for the January 1, 2011 through December 31, 2011 monitoring period;
 - e. Failed to collect lead and copper tap samples at the required five sample sites and report the results to the Executive Director. Specifically, Respondent failed to collect the required lead and copper samples for the January 1, 2011 through December 31, 2011 monitoring period; and
 - f. Failed to pay Public Health Service ("PHS") fees for the TCEQ Financial Administration Account No. 91610014 for Fiscal Year 2013.
5. The Respondent received notice of the violations in Finding of Fact No. 4 on or about November 18, 2013.
6. The Executive Director filed the "Executive Director's First Amended 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 Wendell Reese d/b/a Pecan Shadows Water Supply Company" (the "EDFARP") in the TCEQ Chief Clerk's office on July 28, 2014.
7. The EDFARP was mailed to Respondent's last known address on July 28, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."
8. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on August 11, 2014.
9. By letter dated August 11, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first

class mail has not been returned, indicating that Respondent received notice of the EDFARP.

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

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the 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 the compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c); and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provisions Nos. 3.a.i. and 3.b.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect annual and quarterly nitrate samples and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(c) and (e); and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provisions Nos. 3.a.ii. and 3.a.iii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect triennial metal and radionuclide samples and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(c) and (e), and 290.108(c) and (e); and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.a.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to ensure that all delinquent drinking water chemical monitoring reports were submitted to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.113(e), and TCEQ Default Order Docket No. 2012-0424-PWS-E, Ordering Provisions Nos. 3.a.ii. and 3.a.iii.
6. As evidenced by Finding of Fact No. 4.a., Respondent failed to collect routine distribution water samples for coliform analysis, in violation of and TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii).
7. As evidenced by Finding of Fact No. 4.b., Respondent failed to post public notification of the failure to collect routine distribution water samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
8. As evidenced by Finding of Fact No. 4.c., Respondent failed to submit DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
9. As evidenced by Finding of Fact No. 4.d., Respondent failed to collect annual SOC contaminants samples and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(c) and (e).

10. As evidenced by Finding of Fact No. 4.e., Respondent failed to collect lead and copper tap samples at the required five sample sites and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A) and (i)(1)¹.
11. As evidenced by Finding of Fact No. 4.f., Respondent failed to pay PHS fees for the TCEQ Financial Administration Account No. 91610014, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
12. As evidenced by Findings of Fact Nos. 6 through 9, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
13. As evidenced by Finding of Fact No. 10, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
14. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of four thousand seven hundred ninety dollars (\$4,790.00) 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.
16. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of four thousand seven hundred ninety dollars (\$4,790.00) 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: Wendell Reese d/b/a Pecan Shadows Water Supply Company; Docket No. 2013-2019-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

¹ 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).

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), 290.108 (Radionuclides), and 290.113 (Stage 1 Disinfection Byproducts), (Conclusions of Law Nos. 3, 4, 5, and 9);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are collected and released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), 290.108 (Radionuclides) and 290.113 (Stage 1 Disinfection Byproducts) (Conclusions of Law Nos. 3, 4, 5, and 9);
 - iii. 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 (Conclusion of Law No. 10);
 - iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to customers of the Facility including providing public notification for the failure to collect a routine coliform sample in February 2013, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 7);
 - v. Mail or directly deliver one copy of the consumer confidence report CCR prepared using the compliance monitoring data for the year 2013 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 (Conclusion of Law No. 2);
 - vi. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and by 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 (Conclusion of Law No. 6);
 - vii. 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, as required by 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 8); and
 - viii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91610014, in accordance with 30 TEX. ADMIN. CODE § 290.51 (Conclusion of Law No. 11). The payment shall be sent with the notation "Wendell Reese d/b/a Pecan

Shadows Water Supply Company, Financial Administration Account No. 91610014" 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

- b. Within 45 days after the effective date of this Order, Respondent shall:
- i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, 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
 - ii. Submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.v., 3.a.vii., and 3.a.viii.
- c. Within 60 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.b.i.
- d. Within 90 days after the effective date of this Order, Respondent shall:
- i. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of routine 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, (Conclusion of Law No. 10). This provision will be satisfied upon one compliant monitoring period; and
 - ii. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110, (Conclusion of Law No. 8). 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
- e. Within 225 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.a.vi.

- f. Within 285 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.d.ii.
- g. Within 470 days after the effective date of this Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.d.i.
- 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance team at the address listed in Ordering Provision No. 3.h.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF RYAN RUTLEDGE

STATE OF TEXAS

§

COUNTY OF TRAVIS

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"My name is Ryan Rutledge. 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 First Amended 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 Wendell Reese d/b/a Pecan Shadows Water Supply Company" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on July 28, 2014.

The EDFARP was mailed to Respondent's last known on July 28, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDFARP was re-filed in the TCEQ Chief Clerk's office on August 11, 2014.

The EDFARP was mailed to Respondent's last known address on August 11, 2014, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDFARP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

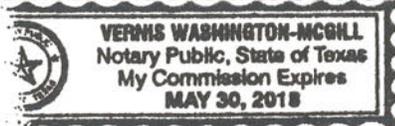
More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

Ryan Rutledge

Ryan Rutledge, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 10th day of October, A.D. 2014.



Notary without Bond

Vernis McGill

Notary Signature