

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46928**  
**Curtis White and Brenda White d/b/a El Pinon Estates Water System**  
**RN102675303**  
**Docket No. 2013-1012-PWS-E**

**Order Type:**

Default Order

**Media:**

PWS

**Small Business:**

Yes

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

five miles south of Highway 83 on Farm-To-Market Road 705, San Augustine County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$2,845.37 (2011-1333-PWS-E; referred for collection)  
Past-Due Fees: \$195.55 (PHS Account No. 92030013)  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** August 1, 2014

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$4,054

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

**Total Due to General Revenue:** \$4,054

**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$41 upward adjustment (PCW 1)

**Applicable Penalty Policy:** September 2011 (PCWs 1 and 3); September 2002 (PCW 2)

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 46928**  
**Curtis White and Brenda White d/b/a El Pinon Estates Water System**  
**RN102675303**  
**Docket No. 2013-1012-PWS-E**

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** March 13, 2013; June 24, 2013  
**Date(s) of NOV(s):** December 14, 2012; June 14, 2013  
**Date(s) of NOE(s):** October 6, 2013

**Violation Information**

1. Failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
2. Failed to develop, maintain, and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
3. Failed to maintain the well meter calibration records for at least three years [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iv)].
4. Failed to post a legible sign at each production, treatment, and storage facility that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].
5. Failed to provide the Facility's pressure tank with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].
6. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].
7. Failed to provide a minimum well capacity of 1.5 gpm per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i)].
8. Failed to provide a minimum pressure tank capacity of 1,500 gallons (50 gallons per connection) [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii)].
9. 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 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
10. Failed to provide public notifications of the failure to submit the Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director and of the failure to collect a routine coliform monitoring sample [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
11. Failed to provide the results of quarterly Stage 1 disinfection byproducts sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.113(e)].
12. Failed to provide the results of triennial synthetic organic chemical ("SOC") contaminants sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.107(e)].
13. Failed to collect triennial routine lead and copper tap samples at the required five sample sites [30 TEX. ADMIN. CODE § 290.117(c)(2)(C)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements (Violation No. 2);
  - b. Post a legible sign at each production, treatment, and storage facility that contains the Facility name and an emergency telephone number where a responsible official can be contacted (Violation No. 4);
  - c. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including well meter calibration records (Violation No. 3);
  - d. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notification for the failure to provide a DLQOR for the first quarter of 2011 and for failure to collect a routine coliform monitoring sample (Violation No. 10);
  - e. 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. 11 and 12);
  - f. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later (Violation Nos. 11 and 12);
  - g. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that all future routine lead and copper tap samples are collected and 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. 13); and
  - h. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2012 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers (Violation No. 9).
2. Within 45 days, submit a copy of the CCR that was provided to Facility customers pursuant to Technical Requirement No. 1.h, 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 (Violation No. 9).
3. Within 60 days:
  - a. Provide the second 550 gallon pressure tank in series at Plant No. 1 with a pressure release device (Violation No. 5); and
  - b. Install and secure the electrical wiring for the Plant No. 1 pump room in compliance with a local or national electrical code (Violation No. 6).

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**Curtis White and Brenda White d/b/a El Pinon Estates Water System**  
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**Docket No. 2013-1012-PWS-E**

4. Within 90 days, obtain a sanitary control easement that covers the land within 150 feet of Well No. 1 (Violation No. 1).
5. Within 180 days:
  - a. Provide a minimum well production capacity of 1.5 gpm per connection (Violation No. 7); and
  - b. Provide a minimum pressure tank capacity of 50 gallons per connection (Violation No. 8).
6. Within 365 days, 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 (Violation No. 13). This requirement will be satisfied upon one compliant monitoring period.
7. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirement Nos. 1.a. through 1.h.;
  - b. Within 60 days for Technical Requirement No. 2;
  - c. Within 75 days for Technical Requirements Nos. 3.a. and 3.b.;
  - d. Within 105 days for Technical Requirement No. 4;
  - e. Within 195 days for Technical Requirement Nos. 5.a. and 5.b.; and
  - f. Within 380 days for Technical Requirement No. 6.

**Litigation Information**

**Date Petition(s) Filed:** January 14, 2014; February 8, 2014  
**Date Green Card(s) Signed:** Unclaimed; Unclaimed  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Joel Cordero, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Vic McWherter, Public Interest Counsel, (512) 239-6363  
**TCEQ Enforcement Coordinator:** Katy Montgomery, Enforcement Division, (210) 403-4016  
**TCEQ Regional Contact:** Ronald Hebert, Beaumont Regional Office, (409) 899-8721  
**Respondent Contact:** Curtis White, 9810 State Highway 184, Bronson, Texas 75930  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	13-May-2013	<b>Screening</b>	21-May-2013	<b>EPA Due</b>	
	<b>PCW</b>	21-Nov-2013				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water System		
<b>Reg. Ent. Ref. No.</b>	RN102675303		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	46928	<b>No. of Violations</b>	8
<b>Docket No.</b>	2013-1012-PWS-E	<b>Order Type</b>	1660
<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

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,520
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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.

<b>Compliance History</b>	55.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$836
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Notes: Enhancement for one NOV with same/similar violations, one order without a denial of liability, and one default order.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$560  
 Approx. Cost of Compliance: #NAME?  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,356
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,356
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,397
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$2,397
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**Screening Date** 21-May-2013**Docket No.** 2013-1012-PWS-E**PCW****Respondent** Curtis White and Brenda White dba El Pinon Estat

Policy Revision 3 (September 2011)

**Case ID No.** 46928

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102675303**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> )	1	5%
	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%
<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)** 55%**>> 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 one NOV with same/similar violations, one order without a denial of liability, and one default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 55%**>> Final Compliance History Adjustment****Final Adjustment Percentage \*capped at 100%** 55%

<b>Screening Date</b>	21-May-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Sy.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.41(c)(1)(F)

**Violation Description**

Failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

Failure to have a sanitary control easement in place could allow activities to occur next to the well which could cause customers of the Facility to be exposed to insignificant amounts of contaminants, which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%** Reduction

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

**Notes**

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20	13-Mar-2013	31-Dec-2013	0.80	\$0	\$1	\$1
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 record a sanitary control easement for Well No. 1, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$20

**TOTAL** \$1

<b>Screening Date</b>	21-May-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Syst			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a) and (b)			
<b>Violation Description</b>	Failed to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.			
		<b>Base Penalty</b>	\$1,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>		<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor		
	Actual				<b>Percent</b>	0.0%
	Potential					
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor		
		x			<b>Percent</b>	5.0%
Matrix Notes	100% of the rule requirement was not met.					
		<b>Adjustment</b>	\$950			
			\$50			

<b>Violation Events</b>					
	Number of Violation Events	1		Number of violation days	69
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
			<b>Violation Base Penalty</b>	\$50	
	One single event is recommended.				

<b>Good Faith Efforts to Comply</b>				<b>0.0%</b> Reduction	\$0
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary					
Ordinary					
N/A	x	(mark with x)			
Notes	The Respondents do not meet the good faith criteria for this violation.				
		<b>Violation Subtotal</b>	\$50		

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$7	<b>Violation Final Penalty Total</b>	\$78
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$78

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media Violation No.** Public Water Supply 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$180	13-Mar-2013	31-Dec-2013	0.80	\$7	n/a	\$7
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 amount necessary to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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** \$180

**TOTAL** \$7

<b>Screening Date</b>	21-May-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Syst			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(iv)

**Violation Description**

Failed to maintain the well meter calibration records for at least three years. Specifically, at the time of the investigation, it was documented that the Respondents did not have the well meter calibration records available for review.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

**Percent**

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**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	\$45	13-Mar-2013	31-Jan-2014	0.89	\$2	n/a	\$2
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 compile and begin maintaining the well meter calibration records, calculated from the date of the investigation 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**

\$45

**TOTAL**

\$2

<b>Screening Date</b> 21-May-2013	<b>Docket No.</b> 2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b> Curtis White and Brenda White dba El Pinon Estates Water Syst		<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b> 46928		<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b> RN102675303		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Katy Montgomery		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="5.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	13-Mar-2013	31-Dec-2013	0.80	\$2	n/a	\$2
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 create and post a sign at the site of Well No. 1, calculated from the date of the investigation 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

\$45

**TOTAL**

\$2

<b>Screening Date</b>	21-May-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Syst			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="15.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
<b>Matrix Notes</b>	Failure to have pressure release devices on the pressure tank could result in excess pressurization and would not allow for the release of excessive air resulting in possible tank failure. As a result, customers of the Facility could be exposed to contaminants which would exceed levels that are protective of human health.				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Three monthly events are recommended, calculated from the investigation date, March 13, 2013, to the screening date, May 21, 2013.

**Good Faith Efforts to Comply**

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>	

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media Violation No.** Public Water Supply 5

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	13-Mar-2013	31-Dec-2013	0.80	\$0	\$5	\$6
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 install a pressure release device on the 550 gallon pressure tank, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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** \$100

**TOTAL** \$6

<b>Screening Date</b>	21-May-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Syst			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			
<b>Violation Number</b>	6			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(v)			
<b>Violation Description</b>	Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring in the Plant No. 1 pump room was not properly installed in electrical conduit.			
		<b>Base Penalty</b>	\$1,000	

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to install all electrical wiring in compliance with a local or national code may cause equipment malfunctioning which could expose customers of the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

Violation Events

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$450

Three monthly events are recommended, calculated from the investigation date, March 13, 2013, to the screening date, May 21, 2013.

Good Faith Efforts to Comply  Reduction \$0

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

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

**Violation Subtotal** \$450

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

Estimated EB Amount  **Violation Final Penalty Total** \$698

**This violation Final Assessed Penalty (adjusted for limits)** \$698

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**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)	\$500	13-Mar-2013	31-Dec-2013	0.80	\$1	\$27	\$28
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 necessary to ensure that all wiring is installed in accordance with a local or national code, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$28

<b>Screening Date</b> 21-May-2013	<b>Docket No.</b> 2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b> Curtis White and Brenda White dba El Pinon Estates Water Sys		<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b> 46928		<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b> RN102675303		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Katy Montgomery		

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**  
Failed to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility's 30 service connections require a minimum well capacity of 45 gpm; however, the Facility only provides 16.5 gpm, indicating a 63.33% deficiency.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
		Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="15.0%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
Matrix Notes	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Inadequate well capacity could result in water outages and backflow problems potentially exposing the customers of the Facility to contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Three monthly events are recommended, calculated from the investigation date, March 13, 2013, to the screening date, May 21, 2013.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media** Public Water Supply  
**Violation No.** 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	13-Mar-2013	31-Mar-2014	1.05	\$17	\$350	\$367
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 rehabilitate the well in order to provide a minimum well production capacity of 1.5 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

\$5,000

**TOTAL**

\$367

**Screening Date** 21-May-2013 **Docket No.** 2013-1012-PWS-E **PCW**  
**Respondent** Curtis White and Brenda White dba El Pinon Estates Water Sys *Policy Revision 3 (September 2011)*  
**Case ID No.** 46928 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN102675303  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Katy Montgomery

**Violation Number** 8

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a minimum pressure tank capacity of 1,500 gallons. Specifically, the Facility's 30 service connections require a minimum pressure tank capacity of 1,500 gallons; however, the Facility only provides a pressure tank capacity of 1,450 gallons, indicating a 3.33% deficiency.

**Base Penalty** \$1,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to provide adequate pressure tank capacity may cause back siphonage and low pressure that could expose customers of the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health.

**Adjustment** \$970

\$30

**Violation Events**

Number of Violation Events 1 69 Number of violation days

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

**Violation Base Penalty** \$30

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

**Violation Subtotal** \$30

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$147

**Violation Final Penalty Total** \$47

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

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media** Public Water Supply  
**Violation No.** 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)	\$2,000	13-Mar-2013	31-Mar-2014	1.05	\$7	\$140	\$147
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 provide a minimum pressure tank capacity of 1,500 gallons, calculated from the date of the investigation 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

\$2,000

**TOTAL**

\$147

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 CN602209660, RN102675303, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

## Customer, Respondent,

**or Owner/Operator:** CN602209660, Curtis White **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102675303, EL PINON ESTATES WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 5 MILES SOUTH OF HIGHWAY 83 ON FARM-TO-MARKET ROAD 705, SAN AUGUSTINE COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2030013

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** November 21, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 21, 2008 to May 21, 2013

## 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: 09/21/2009 ADMINORDER 2009-0439-PWS-E (Findings Order-Agreed Order Without Denial)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

#### 2 Effective Date: 04/25/2012 ADMINORDER 2011-1333-PWS-E (Findings Order-Default)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to monitor and/or failed to report mineral levels at EP001 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: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 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 290.106(e)  
Description: This system failed to monitor and/or failed to report metal levels at EP001 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: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Classification: Minor  
Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter D 290.51(a)(3)  
Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

**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: 12/14/2012 (1101245) CN604348664**

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: DLQOR MR PN 1Q2011 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 disinfectant monitoring and reporting

**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

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 CN604348664, RN102675303, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

## Customer, Respondent,

**or Owner/Operator:** CN604348664, Brenda White **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102675303, EL PINON ESTATES WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 5 MILES SOUTH OF HIGHWAY 83 ON FARM-TO-MARKET ROAD 705, SAN AUGUSTINE COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2030013

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** November 21, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 21, 2008 to May 21, 2013

## 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: 09/21/2009 ADMINORDER 2009-0439-PWS-E (Findings Order-Agreed Order Without Denial)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

#### 2 Effective Date: 04/25/2012 ADMINORDER 2011-1333-PWS-E (Findings Order-Default)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to monitor and/or failed to report mineral levels at EP001 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: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 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 290.106(e)  
Description: This system failed to monitor and/or failed to report metal levels at EP001 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: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Classification: Minor  
 Citation: 2A TWC Chapter 5, SubChapter A 5.702  
 30 TAC Chapter 290, SubChapter D 290.51(a)(3)  
 Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

**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: 12/14/2012 (1101245) CN604348664**

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: DLQOR MR PN 1Q2011 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 disinfectant monitoring and reporting

**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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	22-Jul-2013	<b>Screening</b>	29-Jul-2013	<b>EPA Due</b>	31-Mar-2013
	<b>PCW</b>	19-Aug-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water System
<b>Reg. Ent. Ref. No.</b>	RN102675303
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	46928	<b>No. of Violations</b>	2
<b>Docket No.</b>	2013-1012-PWS-E	<b>Order Type</b>	1660
<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

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$300
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	60.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b> \$180

Notes: Enhancement for two NOVs with same/similar violations, one order without a denial of liability, and one default order.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$130  
 Approx. Cost of Compliance: \$215  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$480
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	26.5%	<b>Adjustment</b>	\$127
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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 2.

<b>Final Penalty Amount</b>	\$607
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$607
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$607
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**Screening Date** 29-Jul-2013**Docket No.** 2013-1012-PWS-E**PCW****Respondent** Curtis White and Brenda White dba El Pinon Estates Water System

Policy Revision 2 (September 2002)

**Case ID No.** 46928

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102675303**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> )	2	10%
	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%
<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)** 60%**>> 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 two NOVs with same/similar violations, one order without a denial of liability, and one default order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 60%

**Screening Date** 29-Jul-2013 **Docket No.** 2013-1012-PWS-E  
**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Katy Montgomery

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

**Violation Number** 1

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

**Violation Description** Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondents did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondents submit the CCR or the required certification to the TCEQ for the year 2010.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

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

**Adjustment** \$900

\$100

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** \$100

One annual event is recommended.

Good Faith Efforts to Comply

**0.0%** Reduction \$0

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

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

**Violation Subtotal** \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount** \$75      **Violation Final Penalty Total** \$202

**This violation Final Assessed Penalty (adjusted for limits)** \$202

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	\$65	1-Jul-2011	29-Jul-2013	3.00	\$10	\$65	\$75
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2010 CCR to the customers of the Facility and to the TCEQ (([\$0.50 x 30 connections] + \$50) x 1 year)), calculated from the due date to the screening date.

Approx. Cost of Compliance \$65

**TOTAL** \$75

<b>Screening Date</b> 29-Jul-2013	<b>Docket No.</b> 2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b> Curtis White and Brenda White dba El Pinon Estates Water System		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 46928		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN102675303		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Katy Montgomery		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

		Harm			
		Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	24-Jun-2013	28-Feb-2014	0.68	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to implement procedures to ensure that all public notifications are provided in a timely manner to the customers of the Facility, 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)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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-Apr-2011	30-Jun-2011	1.16	\$1	\$25	\$26
Other (as needed)	\$25	1-Dec-2010	28-Feb-2011	1.16	\$1	\$25	\$26

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount necessary to provide public notification (\$25 per notification) regarding the failure to submit a DLQOR to the Executive Director and failure to collect a routine coliform sample, calculated for the time during which public notification was required.

Approx. Cost of Compliance \$150

**TOTAL** \$55



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	22-Jul-2013	<b>Screening</b>	29-Jul-2013	<b>EPA Due</b>	31-Mar-2013
	<b>PCW</b>	9-Aug-2013				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water System		
<b>Reg. Ent. Ref. No.</b>	RN102675303		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	46928	<b>No. of Violations</b>	4
<b>Docket No.</b>	2013-1012-PWS-E	<b>Order Type</b>	1660
<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** **\$500**

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

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

**Compliance History** **60.0%** Enhancement **Subtotals 2, 3, & 7** **\$300**

Notes: Enhancement for two NOVs with same/similar violations, one order without a denial of liability, and one default order.

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

Notes: The Respondents do not meet the culpability criteria.

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

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

Total EB Amounts: \$542  
 Approx. Cost of Compliance: \$2,285  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$800**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **31.3%** **Adjustment** **\$250**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided cost of compliance associated with Violation Nos. 1 and 4.

**Final Penalty Amount** **\$1,050**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$1,050**

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

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

Notes: Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$1,050**

**Screening Date** 29-Jul-2013 **Docket No.** 2013-1012-PWS-E**PCW****Respondent** Curtis White and Brenda White dba El Pinon  
Estates Water System

Policy Revision 3 (September 2011)

**Case ID No.** 46928

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102675303**Media [Statute]** Public Water Supply**Enf. Coordinator** Katy Montgomery**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

<b>Component</b>	<b>Number of...</b>	<i>Enter Number Here</i>	<b>Adjust.</b>
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> )	2	10%
	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%
<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)** 60%>> **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 two NOVs with same/similar violations, one order without a denial of liability, and one default order.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 60%>> **Final Compliance History Adjustment****Final Adjustment Percentage \*capped at 100%** 60%

<b>Screening Date</b>	29-Jul-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water System			
<b>Case ID No.</b>	46928	<i>Policy Revision 3 (September 2011)</i>		
<b>Reg. Ent. Reference No.</b>	RN102675303	<i>PCW Revision August 3, 2011</i>		
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)
<b>Violation Description</b>	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the 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 Respondents did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondents submit the CCR or the required certification to the TCEQ for the year 2011.
<b>Base Penalty</b>	\$1,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				<b>Percent</b>
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		x			5.0%

**Matrix Notes**

100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events: 1      365 Number of violation days

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

**Violation Base Penalty** \$50

One annual event is recommended.

**Good Faith Efforts to Comply**      **0.0%** Reduction      \$0

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

**Notes**

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

**Violation Subtotal** \$50

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$71	<b>Violation Final Penalty Total</b> \$105
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$105	

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs [3]</b>	\$65	1-Jul-2012	29-Jul-2013	1.99	\$6	\$65	\$71
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011 CCR to the customers of the Facility and to the TCEQ (([\$0.50 x 30 connections] + \$50) x 1 year)), calculated from the due date to the screening date.

Approx. Cost of Compliance \$65

**TOTAL** \$71

**Screening Date** 29-Jul-2013 **Docket No.** 2013-1012-PWS-E **PCW**  
**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928 *Policy Revision 3 (September 2011)*  
**Reg. Ent. Reference No.** RN102675303 *PCW Revision August 3, 2011*  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Katy Montgomery

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,870	31-Dec-2011	28-Feb-2014	2.16	\$13	\$270	\$283
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	24-Jun-2013	31-Mar-2014	0.77	\$4	n/a	\$4

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to pay any outstanding lab fees (\$314 for each Stage 1 disinfection byproducts and \$300 for synthetic organic chemical compounds) so that the lab will release all drinking water chemical analysis results, calculated from the last date of the first monitoring period for which results were not provided to the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process, procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,970

**TOTAL** \$287

**Screening Date** 29-Jul-2013 **Docket No.** 2013-1012-PWS-E **PCW**  
**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System *Policy Revision 3 (September 2011)*  
**Case ID No.** 46928 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN102675303  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Katy Montgomery

**Violation Number** 3

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

**Violation Description** Failed to provide the results of triennial synthetic organic chemical ("SOC") contaminants sampling to the Executive Director. Specifically, the Respondents failed to provide SOC contaminants sampling results for the reporting period from January 1, 2009 through December 31, 2011.

**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 requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events: 1      1094 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  
 Before NOV    NOV to EDPRP/Settlement Offer

\$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$105

**This violation Final Assessed Penalty (adjusted for limits)** \$105

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

The delayed costs of compliance are captured in the Economic Benefit for Violation No. 2 of the Revision 3 PCW.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0
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**TOTAL**

\$0
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<b>Screening Date</b>	29-Jul-2013	<b>Docket No.</b>	2013-1012-PWS-E	<b>PCW</b>
<b>Respondent</b>	Curtis White and Brenda White dba El Pinon Estates Water Syst			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46928			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN102675303			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Katy Montgomery			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Curtis White and Brenda White dba El Pinon Estates Water System  
**Case ID No.** 46928  
**Reg. Ent. Reference No.** RN102675303  
**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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	24-Jun-2013	31-Mar-2014	0.77	\$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)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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-2009	31-Dec-2011	3.92	\$29	\$150	\$179
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 routine lead and copper samples (\$30 per sample x 5 samples per monitoring period), calculated for the period in which samples were required.

**Approx. Cost of Compliance**

\$250

**TOTAL**

\$183

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 CN602209660, RN102675303, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

## Customer, Respondent,

**or Owner/Operator:** CN602209660, Curtis White **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102675303, EL PINON ESTATES WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 5 MILES SOUTH OF HIGHWAY 83 ON FARM-TO-MARKET ROAD 705, SAN AUGUSTINE COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2030013

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** July 29, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 29, 2008 to July 29, 2013

## 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: 09/21/2009 ADMINORDER 2009-0439-PWS-E (Findings Order-Agreed Order Without Denial)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

#### 2 Effective Date: 04/25/2012 ADMINORDER 2011-1333-PWS-E (Findings Order-Default)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.
- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to monitor and/or failed to report mineral levels at EP001 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: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 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 290.106(e)  
Description: This system failed to monitor and/or failed to report metal levels at EP001 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: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Classification: Minor  
Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter D 290.51(a)(3)  
Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

**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: 12/14/2012 (1101245) CN604348664**  
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: DLQOR MR PN 1Q2011 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 disinfectant monitoring and reporting.
- 2 Date: 06/14/2013 (1101245) CN602209660**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

**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

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 CN604348664, RN102675303, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

## Customer, Respondent,

**or Owner/Operator:** CN604348664, Brenda White **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102675303, EL PINON ESTATES WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 5 MILES SOUTH OF HIGHWAY 83 ON FARM-TO-MARKET ROAD 705, SAN AUGUSTINE COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2030013

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** July 29, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 29, 2008 to July 29, 2013

## 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: 09/21/2009 ADMINORDER 2009-0439-PWS-E (Findings Order-Agreed Order Without Denial)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

#### 2 Effective Date: 04/25/2012 ADMINORDER 2011-1333-PWS-E (Findings Order-Default)

- Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: This system failed to monitor and/or failed to report mineral levels at EP001 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: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 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 290.106(e)  
Description: This system failed to monitor and/or failed to report metal levels at EP001 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: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
 Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Classification: Minor  
 Citation: 2A TWC Chapter 5, SubChapter A 5.702  
 30 TAC Chapter 290, SubChapter D 290.51(a)(3)  
 Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

**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: 12/14/2012 (1101245) CN604348664**  
 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: DLQOR MR PN 1Q2011 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 disinfectant monitoring and reporting.
- 2 Date: 06/14/2013 (1101245) CN602209660**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CURTIS WHITE AND  
BRENDA WHITE DBA  
EL PINON ESTATES WATER SYSTEM;  
RN102675303**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER**

**DOCKET NO. 2013-1012-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. 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 respondents. The respondents made the subject of this Order are Curtis White and Brenda White d/b/a El Pinon Estates Water System ("Respondents").

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

**FINDINGS OF FACT**

1. Respondents own a public water system located five miles south of Highway 83 on Farm-To-Market Road 705 in San Augustine County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 30 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 an investigation conducted on March 13, 2013, a TCEQ Beaumont Regional Office investigator documented that Respondents:
  - a. Failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1;
  - b. Failed to develop, maintain, and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;
  - c. Failed to maintain the well meter calibration records for at least three years. Specifically, Respondents did not have the well meter calibration records available for review;
  - d. Failed to post a legible sign at each production, treatment, and storage facility that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, there was no sign posted at the site of Well No. 1;
  - e. Failed to provide the Facility's pressure tank with a pressure release device. Specifically, the second 550 gallon pressure tank in series at Plant No. 1 did not have a pressure release device;

- f. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring in the Plant No. 1 pump room was not properly installed in electrical conduit;
  - g. Failed to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility's 30 service connections require a minimum well capacity of 45 gpm; however, the Facility only provides 16.5 gpm, indicating a 63.33% deficiency; and
  - h. Failed to provide a minimum pressure tank capacity of 1,500 gallons (50 gallons per connection). Specifically, the Facility's 30 service connections require a minimum pressure tank capacity of 1,500 gallons; however, the Facility only provides a pressure tank capacity of 1,450 gallons, indicating a 3.33% deficiency.
3. During a record review conducted on June 24, 2013, TCEQ Public Drinking Water Section staff documented that Respondents:
    - 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 compliance monitoring data. Specifically, Respondents did not mail or directly deliver the CCRs to the Facility's customers nor did Respondents submit the CCR or the required certification to the TCEQ for the years 2010 and 2011;
    - b. Failed to provide public notifications of the failure to submit the Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director for the first quarter of 2011 and of the failure to collect a routine coliform monitoring sample for the month of November 2010;
    - c. Failed to provide the results of quarterly Stage 1 disinfection byproducts sampling to the Executive Director for the reporting periods from the first quarter of 2012 through the first quarter of 2013;
    - d. Failed to provide the results of triennial synthetic organic chemical ("SOC") contaminants sampling to the Executive Director. Specifically, Respondents failed to provide SOC contaminants sampling results for the reporting period from January 1, 2009 through December 31, 2011; and
    - e. Failed to collect triennial routine lead and copper tap samples at the required five sample sites. Specifically, Respondents did not collect the required lead and copper samples for the monitoring period from January 1, 2009 through December 31, 2011.
  4. Respondents received notice of the violations listed in Findings of Fact Nos. 2 and 3 on or about October 11, 2013.
  5. 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 Curtis White and Brenda White d/b/a El Pinon Estates Water System" (the "EDFARP") in the TCEQ Chief Clerk's office on January 6, 2014.
  6. The EDFARP was mailed to Respondents' last known address on January 6, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed."

7. The Executive Director re-filed the EDFARP in the TCEQ Chief Clerk's office on February 18, 2014.
8. By letter dated February 18, 2014, sent to Respondents' last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the 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 Respondents received notice of the EDFARP.
9. More than 20 days have elapsed since Respondents received notice of the EDFARP. Respondents failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to develop, maintain, and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to maintain the well meter calibration records for at least three years, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iv).
5. As evidenced by Finding of Fact No. 2.d., Respondents failed to post a legible sign at each production, treatment, and storage facility that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
6. As evidenced by Finding of Fact No. 2.e., Respondents failed to provide the Facility's pressure tank with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
7. As evidenced by Finding of Fact No. 2.f., Respondents failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
8. As evidenced by Finding of Fact No. 2.g., Respondents failed to provide a minimum well capacity of 1.5 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i).
9. As evidenced by Finding of Fact No. 2.h., Respondents failed to provide a minimum pressure tank capacity of 1,500 gallons, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii).
10. As evidenced by Finding of Fact No. 3.a., Respondents failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).

11. As evidenced by Finding of Fact No. 3.b., Respondents failed to provide public notifications of the failure to submit the DLQOR to the Executive Director and of the failure to collect a routine coliform monitoring sample, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
12. As evidenced by Finding of Fact No. 3.c., Respondents failed to provide the results of quarterly Stage 1 disinfection byproducts sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e).
13. As evidenced by Finding of Fact No. 3.d., Respondents failed to provide the results of triennial SOC contaminants sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
14. As evidenced by Finding of Fact No. 3.e., Respondents failed to collect triennial routine lead and copper tap samples at the required five sample sites, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(C).
15. As evidenced by Findings of Fact Nos. 5 through 8, the Executive Director timely served Respondents with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
16. As evidenced by Finding of Fact No. 9, Respondents failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondents and assess the penalty recommended by the Executive Director.
17. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
18. An administrative penalty in the amount of four thousand fifty-four dollars (\$4,054.00) 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.
19. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondents are assessed an administrative penalty in the amount of four thousand fifty-four dollars (\$4,054.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this 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: Curtis White and Brenda White d/b/a El Pinon Estates Water System; Docket No. 2013-1012-PWS-E" to:

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

3. Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, Respondents shall:
    - i. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 3);
    - ii. Post a legible sign at each production, treatment, and storage facility that contains the Facility name and an emergency telephone number where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
    - iii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including well meter calibration records, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4);
    - iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notification for the failure to provide a DLQOR for the first quarter of 2011 and for failure to collect a routine coliform monitoring sample for the month of November 2010, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 11);
    - v. 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 §§ 290.107 (Organic Contaminants) and 290.113 (Disinfection Byproducts) (Conclusions of Law Nos. 12 and 13);
    - vi. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.107 (Organic Contaminants) and 290.113 (Disinfection Byproducts) (Conclusions of Law Nos. 12 and 13);
    - vii. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that all future routine lead and copper tap samples are collected and 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. 14); and
    - viii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2012 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. 10).

- b. Within 45 days after the effective date of this Order, Respondents shall:
- i. Submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.viii; and
  - ii. Submit a copy of the CCR that was provided to Facility customers pursuant to Ordering Provision No. 3.a.viii., 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, 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 Order, Respondents shall:
- i. Provide the second 550 gallon pressure tank in series at Plant No. 1 with a pressure release device, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 6);
  - ii. Install and secure the electrical wiring for the Plant No. 1 pump room in compliance with a local or national electric code, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7); and
  - iii. Submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provision No. 3.b.ii.
- d. Within 75 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provisions Nos. 3.c.i. and 3.c.ii.
- e. Within 90 days after the effective date of this Order, Respondents shall obtain a sanitary control easement that covers the land within 150 feet of Well No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 2).
- f. Within 105 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 180 days after the effective date of this Order, Respondents shall:
- i. Provide a minimum well production capacity of 1.5 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 8); and
  - ii. Provide a minimum pressure tank capacity of 50 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45 (Conclusion of Law No. 9).
- h. Within 195 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provisions Nos. 3.g.i. and 3.g.ii.

- i. Within 365 days after the effective date of this Order, Respondents shall 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. 14). This provision will be satisfied upon one compliant monitoring period.
- j. Within 380 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.k., below, to demonstrate compliance with Ordering Provision No. 3.i.
- k. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

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

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

and:

Ronald Hebert, Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

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 Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by

Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents 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.k.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondents if the Executive Director determines that Respondents 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

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For the Commission

**AFFIDAVIT OF JOEL CORDERO**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

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"My name is Joel Cordero. 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.

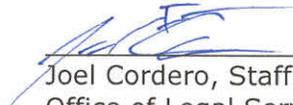
On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Curtis White and Brenda White d/b/a El Pinon Estates Water System" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on January 6, 2014.

The EDFARP was mailed to Respondents' last known address on January 6, 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 February 18, 2014.

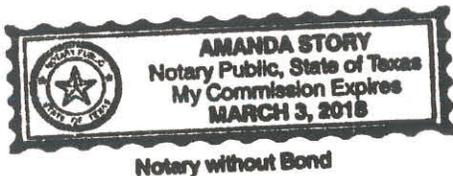
The EDFARP was mailed to Respondents' last known address on February 18, 2014, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDFARP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondents received notice of the EDFARP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

  
\_\_\_\_\_  
Joel Cordero, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Joel Cordero, 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.

Given under my hand and seal of office this 10 day of JULY, A.D. 2014.



  
\_\_\_\_\_  
Notary Signature