

Rocky Wadlington
RN101441095
Docket No. 2014-0360-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

intersection of Limestone County Road 846 and Limestone County Road 848 near Donie, Limestone County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	2013-0347-MLM-E (DO pending this agenda)
Past-Due Penalties:	\$5,887.13 (2011-1230-PWS-E; referred for collection)
Past-Due Fees:	\$788.70 (Account No. 91470007)
Other:	None
Interested Third-Parties:	None

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

Total Penalty Assessed:	\$2,365
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$2,365
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Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source:	No
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Statutory Limit Adjustment:	None
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Applicable Penalty Policy:	September 2011 (PCW 1); September 2002 (PCW 2)
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Investigation Information

Complaint Date(s):	N/A
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Date(s) of Investigation:	January 15, 2014; March 17 - 28, 2014
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Date(s) of NOV(s):	See Compliance History – 5 related NOVs
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Date(s) of NOE(s):	February 27, 2014; March 28, 2014
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Rocky Wadlington
RN101441095
Docket No. 2014-0360-PWS-E

Violation Information

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c); and TCEQ Default Order Docket No. 2011-1230-PWS-E, Ordering Provision No. 3.a.ii].
2. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and provide the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].
3. Failed to provide public notification regarding the failure to: provide the Executive Director a copy of the Disinfectant Level Quarterly Operating Report (“DLQOR”); conduct routine coliform monitoring; and conduct nitrate monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
4. Failed to provide the results of triennial radionuclides sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.108(e)].
5. Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91470007 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent no longer owns or operates the Facility as of September 1, 2014

Technical Requirements:

Within 30 days, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91470007.

Litigation Information

Date Petition(s) Filed: July 21, 2014

Date Green Card(s) Signed: July 23, 2014

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Laura Evans, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Aaron Tucker, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, (210) 403-4016

TCEQ Regional Contact: Richard Monreal, Waco Regional Office, (254) 751-0335

Respondent Contact: Rocky Wadlington, 311 West Navasota Street, Groesbeck, Texas 76642;
Rocky Wadlington, 2523 Limestone County Road 800, Groesbeck, Texas 76642

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	31-Mar-2014			
	PCW	22-May-2014	Screening	4-Apr-2014	EPA Due 31-Mar-2014

RESPONDENT/FACILITY INFORMATION

Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION	
Reg. Ent. Ref. No.	RN101441095	
Facility/Site Region	9-Waco	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	42092	No. of Violations	5
Docket No.	2014-0360-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Montgomery
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for five NOVs with the same/similar violations, one agreed order with a denial of liability and one default order.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1, 3 and 4.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 4-Apr-2014 Docket No. 2014-0360-PWS-E

PCW

Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 42092

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101441095

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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) 70%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same/similar violations, one agreed order with a denial of liability and one default order.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date	4-Apr-2014	Docket No.	2014-0360-PWS-E	PCW
Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	42092			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101441095			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Katy Montgomery			
Violation Number	1			

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) and TCEQ Default Order Docket No. 2011-1230-PWS-E, Ordering Provision No. 3.a.ii.

Violation Description
 Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to the Facility's customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the year 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 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	
single event	x	

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63 Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$58	1-Jul-2013	4-Apr-2014	1.68	\$5	\$58	\$63
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 2012 CCR to the customers of the Facility and to the TCEQ (([\$0.50 x 16 connections] + \$50) x 1 year), calculated from the date the report was due to the screening date.

Approx. Cost of Compliance

\$58

TOTAL

\$63

Screening Date	4-Apr-2014	Docket No.	2014-0360-PWS-E	PCW
Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	42092			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101441095			
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	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 <input type="text" value="0.0%"/>

>> **Programmatic Matrix**

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

Matrix Notes

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

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/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 w th 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 Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$272	31-Dec-2013	31-Oct-2014	0.83	\$1	\$15	\$16
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	17-Mar-2014	31-Oct-2014	0.62	\$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 pay any outstanding lab fees (\$272.47 for radionuclides) so that the lab will release all drinking water chemical analysis results, calculated from the last date of the 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 the violation was documented 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	\$372	TOTAL	\$19
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Screening Date 4-Apr-2014 **Docket No.** 2014-0360-PWS-E **PCW**
Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION *Policy Revision 3 (September 2011)*
Case ID No. 42092 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101441095
Media [Statute] Public Water Supply
Enf. Coordinator Katy Montgomery

Violation Number 3

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

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and provide the results to the Executive Director. Specifically, it was documented that the Respondent did not collect the required lead and copper samples for the January 1, 2011 through December 31, 2011 and January 1, 2013 through December 31, 2013 monitoring periods.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 728 Number of violation days

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

Violation Base Penalty \$300

Two annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$328

Violation Final Penalty Total \$760

This violation Final Assessed Penalty (adjusted for limits) \$760

Economic Benefit Worksheet

Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
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 Worksheet for Violation No. 1 of the Revision 2 PCW.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Jan-2011	31-Dec-2011	1.92	\$14	\$150	\$164
Other (as needed)	\$150	1-Jan-2013	31-Dec-2013	1.92	\$14	\$150	\$164

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x 5 samples x 2 monitoring periods), calculated for the monitoring periods in which the sampling was required.

Approx. Cost of Compliance \$300

TOTAL \$328

Screening Date	4-Apr-2014	Docket No.	2014-0360-PWS-E	PCW
Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	42092			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN101441095			
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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" 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 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 Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs The delayed costs are captured in the Economic Benefit Worksheet for Violation No. 2 of the Revision 2 PCW.

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Jan-2013	31-Oct-2013	1.75	\$9	\$100	\$109
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to provide public notification (\$25 per notification) for the failure to conduct routine coliform monitoring and failure to conduct nitrate monitoring, calculated for the periods in which public notifications were required.

Approx. Cost of Compliance \$100

TOTAL \$109

Screening Date 4-Apr-2014 **Docket No.** 2014-0360-PWS-E **PCW**
Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION *Policy Revision 3 (September 2011)*
Case ID No. 42092 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101441095
Media [Statute] Public Water Supply
Enf. Coordinator Katy Montgomery

Violation Number 5

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

Violation Description Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91470007 for Fiscal Years 2013 through 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Adjustment \$1,000

\$0

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"/>

Violation Base Penalty \$0

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

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$0

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	31-Mar-2014			
	PCW	27-May-2014	Screening	4-Apr-2014	EPA Due 31-Mar-2014

RESPONDENT/FACILITY INFORMATION

Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION				
Reg. Ent. Ref. No.	RN101441095				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	42092	No. of Violations	2
Docket No.	2014-0360-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Montgomery
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for five NOVs with the same/similar violations, one agreed order with a denial of liability and one default order.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 4-Apr-2014

Docket No. 2014-0360-PWS-E

Respondent Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION

Policy Revision 2 (September 2002)

Case ID No. 42092

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101441095

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>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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) 70%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for five NOVs with the same/similar violations, one agreed order with a denial of liability and one default order.

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

Screening Date	4-Apr-2014	Docket No.	2014-0360-PWS-E	PCW
Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION		Policy Revision 2 (September 2002)	
Case ID No.	42092	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN101441095			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Katy Montgomery			

Violation Number

Rule Cite(s)

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

Violation Description

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

Base Penalty

>> **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" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

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

Adjustment

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

Notes

The Respondent does 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 Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
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	\$100	17-Mar-2014	31-Oct-2014	0.62	\$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 improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Jan-2002	31-Dec-2010	9.92	\$74	\$150	\$224
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$250

TOTAL \$227

Screening Date	4-Apr-2014	Docket No.	2014-0360-PWS-E	PCW
Respondent	Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	42092			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN101441095			
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%"/>
	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="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	<input checked="" 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 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 Rocky Wadlington dba FARRAR WATER SUPPLY CORPORATION
Case ID No. 42092
Reg. Ent. Reference No. RN101441095
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				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	17-Mar-2014	31-Oct-2014	0.62	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner, 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	11-Apr-2011	10-Jul-2011	1.16	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification (\$25 per notification) for the failure to provide DLQORs, calculated for the period in which public notification was required.

Approx. Cost of Compliance

\$125

TOTAL

\$29

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 CN603450669, RN101441095, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603450669, Rocky Wadlington

Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101441095, Farrar Water Supply Corporation

Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: INTERSECTION OF LIMESTONE COUNTY ROAD 846 AND LIMESTONE COUNTY ROAD 848 NEAR DONIE, LIMESTONE COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1470007

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

Date Compliance History Report Prepared: April 07, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 04, 2009 to April 04, 2014

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

Name: Katy Montgomery

Phone: (210) 403-4016

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

1 Effective Date: 07/26/2012 ADMINORDER 2011-1230-PWS-E (Findings Order-Default)

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 submit a DLQOR to the Executive Director for the fourth quarter of 2010, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the third quarter of 2010, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the second quarter of 2009, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the first quarter of 2009, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the fourth quarter of 2008, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the fourth quarter of 2007, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the fourth quarter of 2006, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the third quarter of 2006, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the second quarter of 2006, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the first quarter of 2006, by the tenth day of the month following the end of the quarter.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: Failure to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1st of each year.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: Failure to deliver a copy and certification of delivery of the annual 2009 Consumer Confidence Report (CCR) to the TCEQ.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: Failure to mail or directly deliver one copy of the 2008 Consumer Confidence Report ("CCR") to each bill paying customer by July 1st of each year.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: Failure to deliver a copy and the certification of delivery of the annual 2008 Consumer Confidence Report (CCR) to the TCEQ.
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 submit a DLQOR to the Executive Director for the second quarter of 2010, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the first quarter of 2010, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the fourth quarter of 2009, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the third quarter of 2009, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the third quarter of 2008, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the second quarter of 2008, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the first quarter of 2008, by the tenth day of the month following the end of the quarter.
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 submit a DLQOR to the Executive Director for the fourth quarter of 2007, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the third quarter of 2007, by the tenth day of the month following the end of the quarter.

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 submit a DLQOR to the Executive Director for the second quarter of 2007, by the tenth day of the month following the end of the quarter.

2 Effective Date: 07/28/2013 ADMINORDER 2012-1590-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Description: VOC MR 6Y2010 - The system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the six year monitoring period from 01/01/2005 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP MR 3Y2009 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate

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

Description: MTL MR 3Y2010 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

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

Description: MIN MR 3Y2010 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate

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

Description: SOC MR 3Y2011 - The system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2009 to 12/31/2011.

Classification: Moderate

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

Description: NO32 MR YR2010 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP MR YR2010 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate

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

Description: NO32 MR YR2011 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2011 to 12/31/2011.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91470007 for Fiscal Years 2011 through 2012.

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: 04/25/2013 (1157829) CN603450669**
- 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: DEC/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROCKY WADLINGTON;
RN101441095**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-0360-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Rocky Wadlington ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated a public water system located at the intersection of Limestone County Road 846 and Limestone County Road 848 near Donie, Limestone County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 16 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 record reviews conducted on January 15, 2014, and March 17 through March 28, 2014, TCEQ Central Office staff documented that Respondent failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the year 2012.
3. During a record review conducted March 17 through March 28, 2014, TCEQ Central Office staff documented that Respondent:
 - a. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and provide the results to the Executive Director. Specifically, Respondent failed to collect the required lead and copper samples for the January 1, 2002 through December 31, 2010; January 1, 2011 through December 31, 2011; and January 1, 2013 through December 31, 2013 monitoring periods;
 - b. Failed to provide public notification regarding the failure to: provide the Executive Director a copy of the Disinfectant Level Quarterly Operating Report ("DLQOR") for the first quarter of 2011; conduct routine coliform monitoring for the months of December 2012, March 2013, and July 2013; and conduct nitrate monitoring for the second quarter of 2013;
 - c. Failed to provide the results of triennial radionuclides sampling to the Executive Director for the January 1, 2011 through December 31, 2013 monitoring period; and

- d. Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91470007 for Fiscal Years 2013 through 2014.
4. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of September 1, 2014.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Rocky Wadlington d/b/a Farrar Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on July 21, 2014.
6. By letter dated July 21, 2014, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on July 23, 2014, as evidenced by the signature on the certified mail "green card."
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c); and TCEQ Default Order Docket No. 2011-1230-PWS-E, Ordering Provision No. 3.a.ii.
3. As evidenced by Finding of Fact No. 3.a., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and provide the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)¹.
4. As evidenced by Finding of Fact No. 3.b., Respondent failed to provide public notification regarding the failure to: provide the Executive Director a copy of the DLQOR; conduct routine coliform monitoring; and conduct nitrate monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
5. As evidenced by Finding of Fact No. 3.c., Respondent failed to provide the results of triennial radionuclides sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
6. As evidenced by Finding of Fact No. 3.d., Respondent failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 91470007, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).

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

7. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.104(b)(1).
8. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of two thousand three hundred sixty-five dollars (\$2,365.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of two thousand three hundred sixty-five dollars (\$2,365.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Rocky Wadlington; Docket No. 2014-0360-PWS-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91470007 (Conclusion of Law No. 6). The payment shall be sent with the notation "Farrar Water Supply Corporation, TCEQ Financial Administration Account No. 91470007" to the address listed in Ordering Provision No. 2.
4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF LAURA EVANS

STATE OF TEXAS

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COUNTY OF TRAVIS

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Rocky Wadlington d/b/a Farrar Water Supply Corporation" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 21, 2014.

The EDPRP was mailed to Respondent's last known address on July 21, 2014, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on July 23, 2014, as evidenced by the signature on the certified mail "green card."

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



Laura Evans, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 13th day of October, A.D. 2014.



Notary Public, State of Texas

