

**Kyle Freeman**  
**RN106672165**  
**Docket No. 2014-0520-MLM-E**

**Order Type:**

Default Order

**Media:**

MLM: Public Water System and Water Rights

**Small Business:**

Yes

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

1525 South Broadway Street, Joshua, Johnson County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$1,920.00 (2014-0316-PWS-E)  
Past-Due Fees: \$136.40 (Account No. 91260136)  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** May 8, 2015**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$6,046**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$6,046**Compliance History Classifications:**

Person/CN – N/A

Site/RN – N/A

**Major Source:** No**Statutory Limit Adjustment:** \$90 upward adjustment (PCW 2)**Applicable Penalty Policy:** April 2014

**Kyle Freeman**  
**RN106672165**  
**Docket No. 2014-0520-MLM-E**

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** February 6, 2014  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** April 3, 2014

**Violation Information**

1. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B)].
2. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
3. Failed to submit well completion data to the Executive Director for review and approval prior to placing the wells into service and failed to provide copies of well completion data upon request [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(A) and 290.46(n)(3)].
4. Failed to provide all water storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
5. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to maintain a disinfectant residual of at least 0.20 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
7. Failed to develop and maintain 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 the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
8. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
9. Failed to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III)].
10. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
11. Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
12. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
13. Failed to provide a suitable sampling cock on the discharge pipe of the well prior to any treatment [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].
14. Failed to provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)].
15. Failed to disinfect groundwater prior to distribution or storage [30 TEX. ADMIN. CODE § 290.42(e)(2)].

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16. Failed to submit plans and specifications to the Executive Director for review and approval prior to the establishment of a new public water supply [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035].
17. Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].
18. Failed to obtain sanitary control easements that cover the land within 150 feet of the Facility's two wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
19. Failed to use an approved chemical or media for the disinfection of potable water that conforms to ANSI/NSF standards [30 TEX. ADMIN. CODE § 290.42(j)].
20. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].
21. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
22. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].
23. Failed to provide the well with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].
24. Failed to extend the well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].
25. Failed to provide a ground storage tank that is designed, fabricated, erected, tested, and disinfected in strict accordance with AWWA standards [30 TEX. ADMIN. CODE § 290.43(c)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

N/A - Respondent no longer owns or operates the Facility as of June 20, 2014.

**Litigation Information**

**Date Petition(s) Filed:** October 7, 2014; October 28, 2014

**Date Green Card(s) Signed:** Unclaimed; Unclaimed

**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Jacquelyn Boutwell, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363

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

**TCEQ Regional Contact:** Kelly Ruble, Corpus Christi Regional Office, (361) 825-3100

**Respondent Contact:** Kyle Freeman, P.O. Box 391, Joshua, Texas 76058

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	7-Apr-2014	<b>Screening</b>	7-Apr-2014	<b>EPA Due</b>	
	<b>PCW</b>	29-Jul-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Kyle Freeman		
<b>Reg. Ent. Ref. No.</b>	RN106672165		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48530	<b>No. of Violations</b>	1
<b>Docket No.</b>	2014-0520-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$250
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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>	18.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$45

<b>Notes</b>	Enhancement for nine NOV's with dissimilar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<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	\$23	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$360	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$295
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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.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$295
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$295
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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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$295
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Screening Date 7-Apr-2014

Docket No. 2014-0520-MLM-E

PCW

Respondent Kyle Freeman

Policy Revision 4 (April 2014)

Case ID No. 48530

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106672165

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; 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> )	0	0%
	Other written NOVs	9	18%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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) 18%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for nine NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 18%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 18%

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Water Rights			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)

**Violation Description**

Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, at the time of the investigation, no drought contingency plan was provided.

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

**Percent**

**Matrix Notes**

100% of the rule requirements were 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 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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media 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)	\$360	6-Feb-2014	1-Jan-2015	0.90	\$1	\$22	\$23
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 draft and adopt a drought contingency 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)**

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**

<b>Approx. Cost of Compliance</b>	\$360	<b>TOTAL</b>	\$23
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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	7-Apr-2014	<b>Screening</b>	7-Apr-2014	<b>EPA Due</b>	
	<b>PCW</b>	29-Jul-2014				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Kyle Freeman				
<b>Reg. Ent. Ref. No.</b>	RN106672165				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor		

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	48530	<b>No. of Violations</b>	24
<b>Docket No.</b>	2014-0520-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Epifanio Villarreal
		<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** **\$4,020**

**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>	18.0%	Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$723</b>
Notes	Enhancement for nine NOVs with dissimilar violations.			
<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>
Notes	The Respondent does not meet the culpability criteria.			
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b>	<b>\$0</b>
<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$4,213	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$54,015			

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$4,743**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **19.4%** **Adjustment** **\$918**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for recovery of avoided costs of compliance for Violation Nos. 1, 5, and 9.		
	<b>Final Penalty Amount</b>	<b>\$5,661</b>	

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,751**

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

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

Notes	Deferral not offered for non-expedited settlement.		
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**PAYABLE PENALTY** **\$5,751**

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	9	18%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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)** 18%

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

N/A	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Person Classification (Subtotal 7)**

N/A	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	Enhancement for nine NOVs with dissimilar violations.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 18%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 18%

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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%"/>

**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" value="x"/>
	quarterly	<input type="text"/>
	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"/>	<input type="text"/>
Ordinary	<input type="text"/>	<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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**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	\$10,400	6-Feb-2014	27-Feb-2014	0.06	\$30	\$598	\$628
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

The avoided cost includes the estimated amount to employ a part-time operator with a Class "D" license (calculated at \$10.00 per hour x 20 hours/week x 52 weeks), calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$10,400
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**TOTAL**

\$628
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.41(c)(3)(A) and 290.46(n)(3)

**Violation Description**

Failed to submit well completion data to the Executive Director for review and approval prior to placing the wells into service and failed to provide copies of well completion data upon request. Specifically, at the time of the investigation, it was documented that the Respondent did not have well completion data 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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

100% 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**

Two single events are recommended (one event per well).

**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 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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 2

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)	\$1,500	6-Feb-2014	1-May-2015	1.23	\$6	\$123	\$129
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 include the estimated amount to submit well completion data to the Executive Director and maintain copies of the well completion data, 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**   \$1,500   **TOTAL**   \$129

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **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

<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**

**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"/>	<input type="text" value="(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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**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)	\$200	6-Feb-2014	1-Jan-2015	0.90	\$1	\$12	\$13
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 amount to provide a liquid level indicator for the ground storage 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)**

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**   \$200   **TOTAL**   \$13

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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" value="x"/>
quarterly	<input type="text"/>
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 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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**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	\$10,000	6-Feb-2014	1-May-2015	1.23	\$41	\$820	\$861
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 20 gallons 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)

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**

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$861
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**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
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**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	6-Feb-2014	1-Dec-2014	0.82	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.2 mg/L free chlorine is maintained, 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]	\$200	6-Feb-2014	7-Feb-2014	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure an adequate disinfection residual is maintained throughout the distribution system, calculated for the date the low disinfectant residual was documented.

Approx. Cost of Compliance \$300

**TOTAL** \$204

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	6-Feb-2014	1-Jan-2015	0.90	\$8	n/a	\$8
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 develop and maintain the chemical and microbiological monitoring plan for the Facility, 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 \$180

**TOTAL** \$8

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(I)			
<b>Violation Description</b>	Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.			
		<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> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
		<b>Adjustment</b>	\$950		

\$50

**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**       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 checked="" type="text" value="x"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	<input type="text" value="\$50"/>

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$8"/>	Violation Final Penalty Total <input type="text" value="\$70"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$70"/>	

## Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	6-Feb-2014	1-Jan-2015	0.90	\$8	n/a	\$8
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 include the estimated amount necessary to compile and maintain a plant operations manual, 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 \$180

**TOTAL** \$8

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III)			
<b>Violation Description</b>	Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not available for review: amount of chemicals used and volume of water treated each week.			
		<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> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
				x	<b>Percent</b> 1.0%
<b>Matrix Notes</b>	At least 70% of the rule requirement was met.				
		<b>Adjustment</b>	\$990		

\$10

**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**  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 checked="" type="text" value="x"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	<input type="text" value="\$10"/>	

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$14"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$50"/>	

# Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$90	6-Feb-2014	1-Dec-2014	0.82	\$4	n/a	\$4
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 properly develop a record keeping system to maintain Facility records (\$45 x 2 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 \$90

**TOTAL** \$4

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(4)(A)			
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.			
		<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				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to monitor the disinfectant residual at least once every seven days could expose customers of the Facility to contaminants which would exceed levels that are protective of human health.

**Adjustment** \$850

\$150

**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	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$300

Two monthly events are recommended, from the date of the investigation, February 6, 2014, to the screening date, April 7, 2014.

**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	x	(mark with x)	

**Notes**

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

**Violation Subtotal** \$300

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$90"/>	Violation Final Penalty Total <input type="text" value="\$423"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$423"/>	

## Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 9

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$520	6-Feb-2014	7-Apr-2014	0.16	\$4	\$85	\$90
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

The avoided costs include the estimated amount to perform weekly monitoring of the disinfectant residual throughout the system (\$10 per week annualized), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$520

**TOTAL** \$90

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(n)(2)			
<b>Violation Description</b>	Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.			
		<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> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
			<b>Adjustment</b>	\$950	
				\$50	

**Violation Events**

Number of Violation Events   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**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
<b>Notes</b>	The Respondent does 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>
Estimated EB Amount <input type="text" value="\$8"/>	Violation Final Penalty Total <input type="text" value="\$70"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$70"/>	

# Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 10

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	6-Feb-2014	1-Jan-2015	0.90	\$8	n/a	\$8
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 develop and maintain an accurate and up-to-date map of the distribution system, 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**

**TOTAL**

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	11			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(i)			
<b>Violation Description</b>	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, it was documented that the Respondent was not maintaining copies of customer service agreements.			
		<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> 0.0%
Potential					

**>> Programmatic Matrix**

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

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events   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**  Reduction

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

**Notes**

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

**Violation Subtotal** \$50

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$70"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$70"/>	

# Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 11

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	\$180	6-Feb-2014	1-Dec-2014	0.82	\$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 estimated amount to adopt an adequate plumbing ordinance or service agreement, 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**

<b>Approx. Cost of Compliance</b>	\$180	<b>TOTAL</b>	\$7
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	12			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(M)			
<b>Violation Description</b>	Failed to provide a suitable sampling cock on the discharge pipe of the well prior to any treatment. Specifically, the Respondent did not provide suitable sampling cocks on both of the well heads prior to treatment.			
		<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				
	Potential			x	<b>Percent</b> 3.0%

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to provide suitable sampling cocks hinders the ability to take a proper raw water samples and could expose customers of the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$970

\$30

**Violation Events**

Number of Violation Events: 2      60 Number of violation days

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

**Violation Base Penalty** \$60

Two single events are recommended.

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

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

**Notes**

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

**Violation Subtotal** \$60

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$14	Violation Final Penalty Total \$85
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$100	

# Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 12

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$200	6-Feb-2014	1-Feb-2015	0.99	\$1	\$13	\$14
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 include the estimated amount to install sampling cocks on both of the well heads prior to any treatment (\$100 per well), 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**  

**TOTAL**

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e)

**Violation Description**

Failed to provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house. Specifically, at the time of the investigation, it was documented that one of the wells, the treatment unit, and the pressure tank were enclosed in a shed that was not locked. In addition, the other well and ground storage tank were located outside with no fence or locked building around them.

**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 provide an intruder-resistant fence or lockable building for the wells and water treatment and pressure maintenance facilities could expose 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

*mark only one with an x*

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**

Two monthly events are recommended, from the date of the investigation, February 6, 2014, to the screening date, April 7, 2014.

**Good Faith Efforts to Comply**

Reduction

	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 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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 13

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)	\$10,000	6-Feb-2014	1-Feb-2015	0.99	\$33	\$658	\$690
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 an intruder-resistant fence or lockable building for the wells and treatment and pressure maintenance facilities, 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**   \$10,000   **TOTAL**   \$690

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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" value="x"/>
quarterly	<input type="text"/>
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 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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 14

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	\$1,000	6-Feb-2014	1-Dec-2014	0.82	\$3	\$54	\$57
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount necessary to provide disinfection for the groundwater prior to storage, 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**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$57
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	15			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035			
<b>Violation Description</b>	Failed to submit plans and specifications to the Executive Director for review and approval prior to the establishment of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a community public water supply without first obtaining approval.			
		<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> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
		<b>Adjustment</b>	\$950		

\$50

**Violation Events**

Number of Violation Events   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**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
<b>Notes</b>	The Respondent does 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>
Estimated EB Amount <input type="text" value="\$329"/>	Violation Final Penalty Total <input type="text" value="\$70"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$70"/>	

## Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 15

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	\$5,000	6-Feb-2014	1-Jun-2015	1.32	\$329	n/a	\$329
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 obtain the services of a professional engineer to prepare and submit plans and specifications for the public water supply, 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**

<b>Approx. Cost of Compliance</b>	\$5,000	<b>TOTAL</b>	\$329
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	16			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(N)			
<b>Violation Description</b>	Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data. Specifically, it was documented that a flow meter was not provided for the wells.			
		<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				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to provide an accurate flow measuring device for the wells could lead to incorrect water usage calculations and prevent the operator from obtaining accurate well production data and determining proper amounts of disinfection of raw water, thereby exposing 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

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

**Violation Base Penalty** \$600

Four monthly events are recommended (two events per well) from the date of the investigation, February 6, 2014, to the date of screening, April 7, 2014.

**Good Faith Efforts to Comply**  Reduction

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

**Notes**

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

**Violation Subtotal** \$600

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$34"/>	Violation Final Penalty Total <input type="text" value="\$845"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$845"/>	

## Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 16

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	\$600	6-Feb-2014	1-Dec-2014	0.82	\$2	\$33	\$34
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 include the estimated amount to install well meters, 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**

<b>Approx. Cost of Compliance</b>	\$600	<b>TOTAL</b>	\$34
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="3.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

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

**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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 17

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)	\$40	6-Feb-2014	1-Feb-2015	0.99	\$0	\$3	\$3
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 both sanitary control easements, 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**   \$40   **TOTAL**   \$3

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="3.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

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

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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 18

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/Construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)	\$45	6-Feb-2014	1-Dec-2014	0.82	\$2	n/a	\$2

**Notes for DELAYED costs** The delayed cost includes the estimated amount to obtain an approved chemical or media for disinfection, 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

**TOTAL**

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 19

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)	\$100	6-Feb-2014	1-Dec-2014	0.82	\$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 post a sign at the Facility, 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**   \$100   **TOTAL**   \$6

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	20			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(l)			
<b>Violation Description</b>	Failed to flush all dead-end mains at monthly intervals. Specifically, it was documented that the Respondent had gone an unknown period of time without flushing all the dead-end mains.			
		<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				
	Potential		x		<b>Percent</b> 5.0%

**>> Programmatic Matrix**

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

**Matrix Notes**

Failure to flush dead-end mains at monthly intervals could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

**Adjustment** \$950

\$50

**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 checked="" type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$50

One quarterly event is recommended, from the date of the investigation, February 6, 2014, to the screening date, April 7, 2014.

**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 checked="" type="text"/>	(mark with x)	

**Notes**

The Respondent does 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>
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$70"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$70"/>	

# Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 20

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	\$100	6-Feb-2014	1-Dec-2014	0.82	\$4	n/a	\$4
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 initiate a flushing program, 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 \$100

**TOTAL** \$4

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, the areas around the wells were not maintained and included piles of trash, piles of leaves, and beehives.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="3.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

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

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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media** Public Water Supply  
**Violation No.** 21

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)	\$200	6-Feb-2014	1-Dec-2014	0.82	\$1	\$11	\$11
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 clean the area around the wells, 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**      **TOTAL**

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	22			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(J)			
<b>Violation Description</b>	Failed to provide the well with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot. Specifically, it was documented that the wells did not have concrete sealing blocks.			
		<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 provide an adequate concrete sealing block could allow contaminants to enter the wells and expose the customers of the Facility to contaminants which would exceed levels that are protective of human health.

**Adjustment** \$850

\$150

**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	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$600

Four monthly events are recommended (two events per well), from the date of the investigation, February 6, 2014, to the screening date, April 7, 2014.

**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	x	(mark with x)	

**Notes**

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

**Violation Subtotal** \$600

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$69"/>	Violation Final Penalty Total <input type="text" value="\$845"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$845"/>	

## Economic Benefit Worksheet

**Respondent** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 22

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)	\$1,000	6-Feb-2014	1-Feb-2015	0.99	\$3	\$66	\$69
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 concrete sealing blocks for both wells, 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	\$1,000	<b>TOTAL</b>	\$69
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<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**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

<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**

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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media Violation No.** Public Water Supply  
 23

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)	\$2,000	6-Feb-2014	1-May-2015	1.23	\$8	\$164	\$172
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 include the estimated amount necessary to provide a well casing on both wells, 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**      \$172

<b>Screening Date</b>	7-Apr-2014	<b>Docket No.</b>	2014-0520-MLM-E	<b>PCW</b>
<b>Respondent</b>	Kyle Freeman			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	48530			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN106672165			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="5.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>		

>> **Programmatic Matrix**

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

**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	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	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** Kyle Freeman  
**Case ID No.** 48530  
**Reg. Ent. Reference No.** RN106672165  
**Media** Public Water Supply  
**Violation No.** 24

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$10,000	6-Feb-2014	1-May-2015	1.23	\$41	\$820	\$861
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 include the estimated amount to provide a ground storage tank which conforms to AWWA standards, 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**   \$10,000   **TOTAL**   \$861

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 CN604299396, RN106672165, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN604299396, Kyle Freeman

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

**Regulated Entity:** RN106672165, LAMPLIGHTER MOBILE HOME PARK

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

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 1525 S BROADWAY ST, JOSHUA, JOHNSON COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1260136

**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 07, 2009 to April 07, 2014

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

**Name:** EPI VILLARREAL

**Phone:** (361) 825-3425

### Site and Owner/Operator History:

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

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

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

N/A

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

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

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: 05/06/2013 (1086044) CN604299396**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(m)

Description: Failure to provide written notification to the commission of the startup of a new public water supply system. On April 18, 2013, Public Water System ID number 1260136 was issued to Lamplighter Mobile Home Park.

##### **2 Date: 08/08/2013 (1145145) CN604299396**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.109(f)(5)

30 TAC Chapter 290, SubChapter F 290.109(f)(7)

Description: TCR Routine MR Violation 06/2013- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

##### **3 Date: 09/20/2013 (1145145) CN604299396**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.109(f)(5)

30 TAC Chapter 290, SubChapter F 290.109(f)(7)

Description: TCR Routine MR Violation 07/2013- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

##### **4 Date: 10/14/2013 (1145145) CN604299396**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.109(f)(5)

30 TAC Chapter 290, SubChapter F 290.109(f)(7)

Description: TCR Routine MR Violation 08/2013- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

- 5 Date: 10/21/2013 (1145145) CN604299396**  
 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: JUNE/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2013.
- 6 Date: 11/07/2013 (1145145) CN604299396**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
 Description: TCR Routine MR Violation 09/2013- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 7 Date: 11/20/2013 (1145145) CN604299396**  
 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: JULY/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2013.
- 8 Date: 12/12/2013 (1145145) CN604299396**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)  
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)  
 Description: TCR Routine MR Violation 10/2013- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 9 Date: 12/18/2013 (1145145) CN604299396**  
 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: AUG/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 08/2013.

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KYLE FREEMAN;  
RN106672165**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2014-0520-MLM-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. 11, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Kyle Freeman ("Respondent").

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

### **FINDINGS OF FACT**

1. At the time of the violations, Respondent owned and operated a public water system located at 1525 South Broadway Street in Joshua, Johnson County, Texas (the "Facility"). The Facility provided water for human consumption, had approximately 20 service connections, and served at least 25 people per day for at least 60 days per year. As such, the Facility was a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE §11.021 and 30 TEX. ADMIN. CODE § 297.1(50).
2. During an investigation conducted on February 6, 2014, an investigator documented that Respondent:
  - a. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier;
  - b. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license;
  - c. Failed to submit well completion data to the Executive Director for review and approval prior to placing the wells into service and failed to provide copies of well completion data upon request;
  - d. Failed to provide all water storage tanks with a liquid level indicator located at the tank site. Specifically, the ground storage tank did not have a liquid level indicator;
  - e. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, there was one working pressure tank with an estimated capacity of 85 gallons. With 20 service connections, Respondent must provide a minimum pressure tank capacity of 400 gallons, which is a 79% deficiency;
  - f. Failed to maintain a disinfectant residual of at least 0.20 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, a field sample obtained at 1525 South Broadway Street, Lot 1, measured a free chlorine residual of 0.00 mg/L;

- g. Failed to develop and maintain 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 the public water system will use to comply with the monitoring requirements;
- h. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
- i. Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not available for review: amount of chemicals used and volume of water treated each week;
- j. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;
- k. Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;
- l. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, Respondent was not maintaining copies of customer service agreements;
- m. Failed to provide a suitable sampling cock on the discharge pipe of the well prior to any treatment. Specifically, Respondent did not provide suitable sampling cocks on both of the well heads prior to treatment;
- n. Failed to provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house. Specifically, one of the wells, the treatment unit, and the pressure tank were enclosed in a shed that was not locked. In addition, the other well and ground storage tank were located outside with no fence or locked building around them;
- o. Failed to disinfect groundwater prior to distribution or storage. Specifically, the Facility was designed so that untreated water from the deep well was being pumped into the ground storage tank before being disinfected;
- p. Failed to submit plans and specifications to the Executive Director for review and approval prior to the establishment of a new public water supply. Specifically, Respondent was operating a business which meets the definition of a community public water supply without first obtaining approval;
- q. Failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data;
- r. Failed to obtain sanitary control easements that cover the land within 150 feet of the Facility's two wells;
- s. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards. Specifically, Respondent could not provide documentation certifying the use of an ANSI/NSF approved disinfectant;
- t. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted;

- u. Failed to flush all dead-end mains at monthly intervals. Specifically, Respondent had gone an unknown period of time without flushing all the dead-end mains;
  - v. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, areas around the wells were not maintained and included piles of trash, piles of leaves, and beehives;
  - w. Failed to provide the well with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot. Specifically, the wells did not have concrete sealing blocks;
  - x. Failed to extend the well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface. Specifically, well casings were not observed on either of the wells; and
  - y. Failed to provide a ground storage tank that is designed, fabricated, erected, tested, and disinfected in strict accordance with American Water Works Association ("AWWA") standards. Specifically, the access ladder was not observed on the ground storage tank.
3. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of June 20, 2014.
  4. 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 Kyle Freeman d/b/a Lamplighter Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on October 7, 2014.
  5. The EDPRP was mailed to Respondent's last known address on October 7, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."
  6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on October 28, 2014.
  7. By letter dated October 28, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
  8. 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. WATER CODE ch. 11, TEX. HEALTH & SAFETY Code ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to submit well completion data to the Executive Director for review and approval prior to placing the wells into service and failed to provide copies of well completion data upon request, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(A) and 290.46(n)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide all water storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(F)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to maintain a disinfectant residual of at least 0.20 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to develop and maintain 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 the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to provide a suitable sampling cock on the discharge pipe of the well prior to any treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to provide an intruder-resistant fence with a lockable gate or a locked and ventilated well house, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O), 290.42(m), and 290.43(e).

16. As evidenced by Finding of Fact No. 2.o., Respondent failed to disinfect groundwater prior to distribution or storage, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(2).
17. As evidenced by Finding of Fact No. 2.p., Respondent failed to submit plans and specifications to the Executive Director for review and approval prior to the establishment of a new public water supply, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035.
18. As evidenced by Finding of Fact No. 2.q., Respondent failed to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
19. As evidenced by Finding of Fact No. 2.r., Respondent failed to obtain sanitary control easements that cover the land within 150 feet of the Facility's two wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
20. As evidenced by Finding of Fact No. 2.s., Respondent failed to use an approved chemical or media for the disinfection of potable water that conforms to ANSI/NSF standards, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
21. As evidenced by Finding of Fact No. 2.t., Respondent failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
22. As evidenced by Finding of Fact No. 2.u., Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
23. As evidenced by Finding of Fact No. 2.v., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
24. As evidenced by Finding of Fact No. 2.w., Respondent failed to provide the well with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
25. As evidenced by Finding of Fact No. 2.x., Respondent failed to extend the well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B).
26. As evidenced by Finding of Fact No. 2.y., Respondent failed to provide a ground storage tank that is designed, fabricated, erected, tested, and disinfected in strict accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c).
27. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.104(c)(2).
28. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, 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.

29. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 11.0842, 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.
30. An administrative penalty in the amount of six thousand forty-six dollars (\$6,046.00) 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 and TEX. WATER CODE § 11.0842.
31. 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 six thousand forty-six dollars (\$6,046.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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: Kyle Freeman; Docket No. 2014-0520-MLM-E" to:

Financial Administration Division, Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. 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.
6. 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.
7. 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.
8. The Chief Clerk shall provide a copy of this fully executed 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 JACQUELYN BOUTWELL**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

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"My name is Jacquelyn Boutwell. 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.

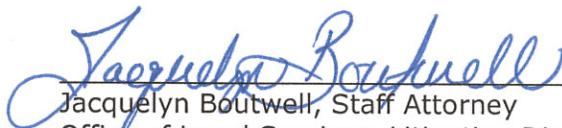
On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Kyle Freeman d/b/a Lamplighter Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 7, 2014.

The EDPRP was mailed to Respondent's last known address on October 7, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on October 28, 2014.

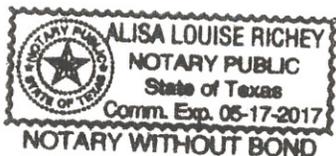
The EDPRP was mailed to Respondent's last known address on October 28, 2014, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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."

  
Jacquelyn Boutwell, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jacquelyn Boutwell, 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 9<sup>th</sup> day of April, A.D. 2015.



  
Notary Public, State of Texas