

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 50114
Rhonda C. Vanover d/b/a Seven Estates
RN102679305
Docket No. 2015-0266-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
No. 3 Private Road 7355, one and one-half miles south of Wolfforth off Farm-to-Market Road 179,
Lubbock County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: \$3,590.37 (2014-0110-PWS-E; referred for collection);
\$5,444.07 (2011-1390-PWS-E; referred for collection);
\$852.84 (2009-1274-PWS-E; returned uncollected)
Past-Due Fees: \$492.63 (FA Acct. No. 91520188; referred for collection)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: November 6, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,164
Total Paid to General Revenue: \$0
Total Due to General Revenue: \$3,164

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No
Statutory Limit Adjustment: None
Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: January 26, 2015
Date(s) of NOV(s): See Compliance History – 11 related NOVs
Date(s) of NOE(s): February 6, 2015

Rhonda C. Vanover d/b/a Seven Estates**RN102679305****Docket No. 2015-0266-PWS-E****Violation Information**

1. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of quarterly nitrate and fluoride sampling to the Executive Director [TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
2. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report for the second quarter of 2013 through the second quarter of 2014 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
3. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride, based on a running annual average for the fourth quarter of 2013 and the first and second quarter of 2014 [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
4. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of triennial metal and synthetic organic chemical ("SOC") contaminants sampling to the Executive Director for the SOC monitoring period from January 1, 2009 through December 31, 2011, and for the metal monitoring period from January 1, 2010 through December 31, 2012 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
5. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the annual results of Stage 1 disinfection byproduct sampling to the Executive Director for the 2012 and 2013 monitoring periods, failed to provide the annual results of volatile organic chemical contaminants sampling for the 2013 monitoring period, and failed to provide the results of six-year SOC Group 5 contaminants for the January 1, 2008 through December 31, 2013 monitoring period [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
6. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12231 for calendar years 2002, 2004 through 2008, and 2010 through 2014 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 30 days:
 - a. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to customers served by the Facility and that a copy is submitted to the Executive Director, including providing public notifications regarding:
 - A. The failure to provide the results of quarterly fluoride and nitrate sampling;
 - B. The failure to submit a Disinfectant Level Quarterly Operating Report;
 - C. The failure to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride;
 - D. The failure to provide the results of triennial metal and synthetic organic chemical contaminants sampling;
 - E. The failure to provide the annual results of Stage 1 disinfection byproduct sampling;
 - F. The failure to provide the annual results of volatile organic chemical contaminants sampling; and
 - G. The failure to provide the results of six-year SOC Group 5 contaminants sampling; and
 - b. Submit payment for all outstanding regulatory assessment fees.
2. Within 45 days, submit written certification to demonstrate compliance.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 50114
Rhonda C. Vanover d/b/a Seven Estates
RN102679305
Docket No. 2015-0266-PWS-E

Litigation Information

Date Petition(s) Filed: April 29, 2015
Date Green Card(s) Signed: May 4, 2015
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3425
TCEQ Regional Contact: Jay Keith, Lubbock Regional Office, (806) 796-7092
Respondent Contact: Rhonda Vanover, P.O. Box 576, Wolfforth, Texas 79382-0576
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 9-Feb-2015 | Screening | 10-Feb-2015 | EPA Due | 30-Jun-2014 |
| | PCW | 10-Feb-2015 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|-------------------------------------|---------------------------|-------|--|--|
| Respondent | Rhonda C. Vanover dba Seven Estates | | | | |
| Reg. Ent. Ref. No. | RN102679305 | | | | |
| Facility/Site Region | 2-Lubbock | Major/Minor Source | Minor | | |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|---------------------|
| Enf./Case ID No. | 50114 | No. of Violations | 6 |
| Docket No. | 2015-0266-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Epifanio Villarreal |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$1,250 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------|--------------------------------|---------|
| Compliance History | 100.0% Enhancement | Subtotals 2, 3, & 7 | \$1,250 |
|---------------------------|--------------------|--------------------------------|---------|

Notes: Enhancement for 11 NOVs with the same/similar violations, one dissimilar NOV, and two agreed orders without a denial of liability and one default order.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

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

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

| | |
|------------------------------|-------|
| Total EB Amounts | \$668 |
| Estimated Cost of Compliance | \$700 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$2,500 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|-------|-------------------|-------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 26.6% | Adjustment | \$664 |
|---|-------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs for Violation Nos. 1 through 5.

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$3,164 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$3,164 |
|-----------------------------------|-------------------------------|---------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$3,164 |
|------------------------|---------|

Screening Date 10-Feb-2015

Docket No. 2015-0266-PWS-E

PCW

Respondent Rhonda C. Vanover dba Seven Estates

Policy Revision 4 (April 2014)

Case ID No. 50114

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator 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>) | 11 | 55% |
| | Other written NOVs | 1 | 2% |
| 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 | 3 | 75% |
| 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) 132%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for 11 NOVs with the same/similar violations, one dissimilar NOV, and two agreed orders without a denial of liability and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 132%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Feb-2015 **Docket No.** 2015-0266-PWS-E **PCW**
Respondent Rhonda C. Vanover dba Seven Estates *Policy Revision 4 (April 2014)*
Case ID No. 50114 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102679305
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)
Violation Description Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of quarterly nitrate and fluoride sampling to the Executive Director. Specifically, the Respondent failed to provide public notification regarding the failure to provide fluoride monitoring results for the first quarter of 2013 through the first quarter of 2014 and nitrate monitoring results for the fourth quarter of 2012 through the first quarter of 2014.

Base Penalty \$1,000

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

| OR | Release | Harm | | | Percent |
|-----------|---------|--------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | Actual | | | |
| Potential | | | | | |

>> **Programmatic Matrix**

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | | x | | |

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events: 11 546 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$550

Eleven single events are recommended (one event per required public notification).

Good Faith Efforts to Comply 0.0% Reduction \$0

| | Before NOE/NOV | NOE/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 \$550

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

Estimated EB Amount \$312 Violation Final Penalty Total \$1,392

This violation Final Assessed Penalty (adjusted for limits) \$1,392

Economic Benefit Worksheet

Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Violation No. Public Water Supply
 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$100 | 26-Jan-2015 | 1-Oct-2015 | 0.68 | \$3 | n/a | \$3 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs: The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner, calculated from the date of the record review to the estimated date of compliance

Avoided Costs

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

| | | | | | | | |
|-------------------------------|-------|-------------|-------------|------|------|-------|-------|
| 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] | \$275 | 11-Jan-2013 | 10-Jul-2014 | 2.41 | \$33 | \$275 | \$308 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs: The avoided costs include the estimated amount to timely prepare and submit the required public notification (\$25 per notification x 11 notifications), calculated for the time frame in which public notifications were required.

Approx. Cost of Compliance \$375

TOTAL \$312

Screening Date 10-Feb-2015
Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-0266-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

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

Violation Description

Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report for the second quarter of 2013 through the second quarter of 2014.

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

Five single events are recommended (one event per required public notification).

Good Faith Efforts to Comply

Reduction

| | Before NOE/NOV | NOE/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 w th 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 Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Violation No. Public Water Supply
 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet of Violation No. 1.

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] | \$125 | 11-Jul-2013 | 10-Oct-2014 | 2.17 | \$14 | \$125 | \$139 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit the required public notification (\$25 per notification x five notifications), calculated for the time frame in which public notifications were required.

Approx. Cost of Compliance

\$125

TOTAL

\$139

Screening Date 10-Feb-2015
Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-0266-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)

Violation Description

Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride, based on a running annual average for the fourth quarter of 2013 and the first and second quarter of 2014. Specifically, public notifications were due by November 14, 2014 and January 13, 2015 and were not provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

272 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$150

Three single events are recommended (one event per required public notification).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$79

Violation Final Penalty Total \$380

This violation Final Assessed Penalty (adjusted for limits) \$380

Economic Benefit Worksheet

Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Violation No. Public Water Supply
 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet of Violation No. 1.

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] | \$75 | 15-Oct-2014 | 13-Jan-2015 | 1.16 | \$4 | \$75 | \$79 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit the required public notification (\$25 per notification x three notifications), calculated from the date the first notice was requested to the date the last notice was required.

Approx. Cost of Compliance

\$75

TOTAL

\$79

Screening Date 10-Feb-2015

Docket No. 2015-0266-PWS-E

PCW

Respondent Rhonda C. Vanover dba Seven Estates

Policy Revision 4 (April 2014)

Case ID No. 50114

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102679305

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s)

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

Violation Description

Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of triennial metal and synthetic organic chemical ("SOC") contaminants sampling to the Executive Director for the SOC monitoring period from January 1, 2009 through December 31, 2011 and for the metal monitoring period from January 1, 2010 through December 31, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

1460 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$100

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$253

This violation Final Assessed Penalty (adjusted for limits) \$253

Economic Benefit Worksheet

Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Public Water Supply
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet of Violation No. 1.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|------|-------------|-------------|------|-----|------|------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$50 | 11-Jan-2012 | 10-Apr-2013 | 2.16 | \$5 | \$50 | \$55 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit the required public notification (\$25 per notification x two notifications), calculated for the time frame in which public notifications were required.

Approx. Cost of Compliance

\$50

TOTAL

\$55

Screening Date 10-Feb-2015
Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-0266-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 5

Rule Cite(s)

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

Violation Description

Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the annual results of Stage 1 disinfection byproduct sampling to the Executive Director for the 2012 and 2013 monitoring periods, failure to provide the annual results of volatile organic chemical contaminants sampling for the 2013 monitoring period, and failure to provide the results of six-year SOC Group 5 contaminants for the January 1, 2008 through December 31, 2013 monitoring period.

Base Penalty \$1,000

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

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4

2191 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$200

Four single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$506

This violation Final Assessed Penalty (adjusted for limits) \$506

Economic Benefit Worksheet

Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Public Water Supply
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet of Violation No. 1

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] | \$75 | 11-Jan-2013 | 10-Apr-2014 | 2.16 | \$8 | \$75 | \$83 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit the required public notification (\$25 per notification x three notifications), calculated for the time frame in which public notifications were required.

Approx. Cost of Compliance

\$75

TOTAL

\$83

Screening Date 10-Feb-2015
Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-0266-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702

Violation Description

Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding the Certificate of Convenience and Necessity No. 12231 for calendar years 2002, 2004 through 2008, and 2010 through 2014.

Base Penalty \$1,000

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

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

| | |
|--------------|--|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$0

All penalties and interest will be determined by the Public Drinking Water Section at the next billing cycle.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark w th x) |

Notes

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

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent Rhonda C. Vanover dba Seven Estates
Case ID No. 50114
Reg. Ent. Reference No. RN102679305
Media Public Water Supply
Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

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

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN601791023, RN102679305, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN601791023, Rhonda C. Vanover

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN102679305, SEVEN ESTATES

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: NO. 3 PRIVATE ROAD 7355, ONE AND ONE-HALF MILE SOUTH OF WOLFFORTH, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520188

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: February 10, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 10, 2010 to February 10, 2015

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

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

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

1 Effective Date: 03/20/2010 ADMINORDER 2009-1274-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to make the Facility's operating records accessible for review during an inspection.

Classification: Moderate

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

Description: Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well every five years or as required by the Executive Director to prove that it is in a non-deteriorated condition

Classification: Minor

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

Rqmt Prov: TCEQ Docket No. 2008-0966-PWS-E ORDER

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91520188 for Fiscal Year 2009 to the TCEQ in a timely manner.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor their disinfectant levels for the fourth quarter of 2008.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to report their disinfectant levels to the executive director for the fourth quarter of 2008.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor their disinfectant levels for the first quarter of 2009.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to report their disinfectant levels to the executive director for the first quarter of 2009.

Classification: Minor

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

Description: The system failed to report all Inorganic Chemical results after completion of required samples from the first quarter of 2005 through the second quarter of 2009. These 72 samples include 3 Metal, 12 Arsenic, 3 Cyanide, 41 Fluoride, 9 Nitrate, 1 Total Dissolved Solid, and 3 Mineral samples.

Classification: Minor

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

Description: The system failed to report all Organic Chemical results after completion of required samples from the first quarter of 2005 to the second quarter of 2009, for a total of 16 chemical samples. These 16 samples include three Synthetic Organic Chemical and thirteen Volatile Organic Chemical samples.

2 Effective Date: 08/02/2012 ADMINORDER 2011-1390-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.i. ORDER
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.i. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.i. ORDER
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.i. ORDER
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

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

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP003 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP002 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.i. ORDER
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP002 to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP003 to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2004 to 12/31/2006, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP002 to the TCEQ for the triennial monitoring period from 01/01/2004 to 12/31/2006, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP003 to the TCEQ for the triennial monitoring period from 01/01/2004 to 12/31/2006, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 04/01/2011 to 06/30/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP002 to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009, but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: Docket No. 2009-1274-PWS-E, OP 3.c.ii. ORDER
Description: This system failed to monitor and/or failed to report fluoride levels at EP003 to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009, but a notice of violation was not sent.

3 Effective Date: 01/08/2015 ADMINORDER 2014-0110-PWS-E (Findings Order-Default)

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Rqmt Prov: Agreed Order Docket No. 2011-1390-PWS-E, OP 2.a.iii, 2.b, 2.c, 2.d, and 2.e ORDER
Description: Failure to submit Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Executive Director each quarter by the tenth day of the month following the end of each quarter for the first quarter of 2010 and the third quarter of 2010 through the first quarter of 2011.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: OP 2.a.i, 2.a.ii, 2.b, and 2.e ORDER
Description: Failure to provide the results of quarterly fluoride sampling to the Executive Director for the third quarter of 2009 through the second quarter of 2011.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Rqmt Prov: OP 2.a.i, 2.a.ii, 2.b, and 2.e ORDER
Description: Failure to provide the results of annual nitrate sampling to the Executive Director for 2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Rqmt Prov: OP 2.a.i, 2.a.ii, 2.b, and 2.e ORDER
Description: Failure to provide the results of volatile organic contaminant ("VOC") sampling to the Executive Director for the year 2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Rqmt Prov: OP 2.a.i, 2.a.ii, 2.b, and 2.e ORDER
Description: Failure to provide the results of stage 1 disinfectant by-product ("DBP") sampling to the Executive Director for the years 2007 through 2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Rqmt Prov: OP 2.a.i, 2.a.ii, 2.b, and 2.e ORDER
Description: Failure to provide the results of triennial radionuclide sampling to the Executive Director for the sampling periods from January 1, 2004, through December 31, 2006, and January 1, 2007, through December 31, 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: FLU MR 1Q2013 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2013 to 03/31/2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: FLU MR 2Q2013 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR 4Q2012 - The system failed to monitor and/or report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR 1Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the quarterly monitoring period from 01/01/2013 to 03/31/2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
30 TAC Chapter 290, SubChapter F 290.113(f)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(2)
Description: DBP1 MR YR2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: MTL MR 3Y2012 - The system failed to monitor and/or report metal levels to the TCEQ for the triennial monitoring period from 01/01/2010 to 12/31/2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR YR2012 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/12/2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR 2Q2013 - The system failed to monitor and/or report nitrate levels to the TCEQ for the quarterly monitoring period from 04/01/2013 to 06/30/2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: RAD MR YR2012 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: SOC5 MR 6Y2012- The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the 6 year monitoring period from 01/01/2007 to 12/31/2012 within the required timeline at EP001 and EP002.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 05, 2014 (1145800)

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: 02/26/2014 (1223039) CN601791023**

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for a disinfectant monitoring and reporting violation during the second quarter of 2013.
- 2 Date: 03/17/2014 (1223039) CN601791023**

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: FLU MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for 2 Fluoride monitoring and reporting violations for the monitoring period from 04/01/2013 to 06/30/2013.

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: NO3 MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for a nitrate monitoring and reporting violation for the monitoring period from 04/01/2013 to 06/30/2013.

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: NO3 MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for a nitrate monitoring and reporting violation for the monitoring period from 04/01/2013 to 06/30/2013.

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: FLU MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for a 2 Fluoride monitoring and reporting violations for the monitoring period from 01/01/2013 to 03/31/2013.

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: NO3 MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 for a nitrate monitoring and reporting violation for the monitoring period from 01/01/2013 to 03/31/2013.

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: NO3 MR PN 4Q2012 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 for a nitrate monitoring and reporting violation for the monitoring period from 10/01/2012 to 12/31/2012.

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: DBP1 MR PN YR2012 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 for a disinfectant byproducts monitoring and reporting violation for the period from 01/01/2012 to 12/31/2012.

- 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: MTL MR PN 3Y2012 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 for 6 metal monitoring and reporting violations for the triennial monitoring period from 01/01/2010 to 12/31/2012.
- 3 Date: 08/15/2014 (1223039) CN601791023**
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: FLU MR PN 3Q2013 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 for Fluoride monitoring and reporting violations for the quarterly monitoring period from 07/01/2013 to 09/30/2013.
- 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: NO3 MR PN 3Q2013 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 for a nitrate monitoring and reporting violation for the quarterly monitoring period from 07/01/2013 to 09/30/2013.
- 4 Date: 08/27/2014 (1223039) CN601791023**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 4Q2013 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 for a disinfectant monitoring and reporting violation during the fourth quarter of 2013.
- 5 Date: 09/12/2014 (1223039) CN601791023**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 3Q2013 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 for a disinfectant monitoring and reporting violation during the third quarter of 2013.
- 6 Date: 10/13/2014 (1223039) CN601791023**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 1Q2014 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 for a disinfectant monitoring and reporting violation during the first quarter of 2014.
- 7 Date: 10/15/2014 (1203696) CN601791023**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: FLU MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for Fluoride with a RAA of 5.8 mg/L for EP001, and a RAA of 5.7 mg/L for EP002.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: FLU MCL 1Q2014 - During the 1st quarter of 2014 the system violated the maximum contaminant level for Fluoride with a RAA of 5.9 mg/L for EP001 and a RAA of 5.9 for EP002.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: FLU MCL 4Q2013 - During the 4th quarter of 2013 the system violated the maximum contaminant level for Fluoride with a RAA of 5.9 mg/L at EP002.
- 8 Date: 11/03/2014 (1223039) CN601791023**
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: NO3 MR PN 4Q2013 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 for a nitrate monitoring and reporting violation for the quarterly monitoring period from 10/01/2013 to 12/31/2013.
- 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: FLU MR PN 4Q2013 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 for 3 Fluoride monitoring and reporting violations for the monitoring period from 10/01/2013 to 12/31/2013.
- 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: DBP1 MR PN YR2013 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 for a disinfectant byproducts monitoring and reporting violation for the period from 01/01/2013 to 12/31/2013.

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: VOC MR PN YR2013 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 for a volatile organic contaminants monitoring and reporting violation for the period from 01/01/2013 to 12/31/2013.

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: SOC MR PN 3Y2011 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 for a synthetic organic contaminants monitoring and reporting violation for 01/01/2009 to 12/31/2011.

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: SOC5 MR PN 6Y2013 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 for an SOC monitoring and reporting violation for the 6 year monitoring period from 1/01/2008 to 12/31/2013.

9 Date: 12/08/2014 (1223039) CN601791023

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MCL PN 4Q2013 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 for a violation of the maximum contaminant level for Fluoride during the fourth quarter of 2013.

10 Date: 01/28/2015 (1223039) CN601791023

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: NO2 MR 3Q2014-Failed to monitor/report nitrite levels for 07/01/2014 to 09/30/2014 within the required timeline.

11 Date: 01/29/2015 (1223039) CN601791023

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MCL PN 2Q2014 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 for a violation of the maximum contaminant level for Fluoride during the second quarter of 2014.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MCL PN 1Q2014 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 for a violation of the maximum contaminant level for Fluoride during the first quarter of 2014.

12 Date: 02/05/2015 (1223039) CN601791023

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 2Q2014 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 for a disinfectant monitoring and reporting violation during the second quarter of 2014.

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: NO3 MR PN 1Q2014 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 for a nitrate monitoring and reporting violation for the quarterly monitoring period from 01/01/2014 to 03/31/2014.

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: FLU MR PN 1Q2014 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 for a 2 fluoride monitoring and reporting violations for the quarterly monitoring period 01/01/2014 to 03/31/2014.

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
RHONDA C. VANOVER DBA
SEVEN ESTATES;
RN102679305**

§
§
§
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§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2015-0266-PWS-E

On _____, 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 chs. 5 and 13, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Rhonda C. Vanover d/b/a Seven Estates ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns a public water system located at No. 3 Private Road 7355, one and one-half miles south of Wolfforth off Farm-to-Market Road 179 in Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 104 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on January 26, 2015, an investigator documented that Respondent:
 - a. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of quarterly nitrate and fluoride sampling to the Executive Director. Specifically, Respondent failed to provide public notification regarding the failure to provide fluoride monitoring results for the first quarter of 2013 through the first quarter of 2014 and nitrate monitoring results for the fourth quarter of 2012 through the first quarter of 2014;
 - b. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report for the second quarter of 2013 through the second quarter of 2014;
 - c. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride based on a running annual average for the fourth quarter of 2013 and the first and second quarter of 2014. Specifically, public notifications were due by November 14, 2014, and January 13, 2015, and were not provided;

- d. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of triennial metal and synthetic organic chemical ("SOC") contaminants sampling to the Executive Director for the SOC monitoring period from January 1, 2009 through December 31, 2011, and for the metal monitoring period from January 1, 2010 through December 31, 2012;
 - e. Failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the annual results of Stage 1 disinfection byproduct sampling to the Executive Director for the 2012 and 2013 monitoring periods, failed to provide the annual results of volatile organic chemical contaminants sampling for the 2013 monitoring period, and failed to provide the results of six-year SOC Group 5 contaminants for the January 1, 2008 through December 31, 2013 monitoring period; and
 - f. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12231 for calendar years 2002, 2004 through 2008, and 2010 through 2014.
3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Rhonda C. Vanover d/b/a Seven Estates" (the "EDPRP") in the TCEQ Chief Clerk's office on April 29, 2015.
 4. By letter dated April 29, 2015, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on May 4, 2015.
 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 5 and 13, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of quarterly nitrate and fluoride sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to comply with the maximum contaminant level for fluoride based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the results of triennial metal and SOC contaminants sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide public notifications and submit a copy of the public notifications to the Executive Director regarding the failure to provide the annual results of Stage 1 disinfection byproduct sampling to the Executive Director, failed to provide the annual results of volatile organic chemical contaminants sampling, and failed to provide the results of six-year SOC Group 5 contaminants, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12231, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
8. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
9. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of three thousand one hundred sixty-four dollars (\$3,164.00) 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(b).
12. 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 three thousand one hundred sixty four dollars (\$3,164.00) for violations of state statutes and rules of the TCEQ. The payment of this 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: Rhonda C. Vanover d/b/a Seven Estates; Docket No. 2015-0266-PWS-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. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order:
 - i. Implement procedures, in accordance with 30 TEX. ADMIN. CODE § 290.122, to ensure that all necessary public notifications are provided in a timely manner to customers served by the Facility and that a copy is submitted to the Executive Director, including providing public notifications regarding:
 - A. The failure to provide the results of quarterly fluoride and nitrate sampling,
 - B. The failure to submit a Disinfectant Level Quarterly Operating Report,
 - C. The failure to comply with the maximum contaminant level of 4.0 milligrams per liter for fluoride,
 - D. The failure to provide the results of triennial metal and synthetic organic chemical contaminants sampling,
 - E. The failure to provide the annual results of Stage 1 disinfection byproduct sampling,
 - F. The failure to provide the annual results of volatile organic chemical contaminants sampling, and
 - G. The failure to provide the results of six-year SOC Group 5 contaminants sampling.
 - And:
 - ii. Submit payment for all outstanding regulatory assessment fees for TCEQ Public Utility Account No. 12231 for calendar years 2002, 2004 through 2008, and 2010-2014. The payment, along with the associated Revenue and Regulatory Assessment Report(s), shall be sent to:

Regulatory Assessment Coordinator
Public Drinking Water Section
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this 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

For the Commission

AFFIDAVIT OF JENNIFER COOK

STATE OF TEXAS

§

COUNTY OF TRAVIS

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Rhonda C. Vanover d/b/a Seven Estates" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 29, 2015.

The EDPRP was mailed to Respondent's last known address on April 29, 2015, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on May 4, 2015.

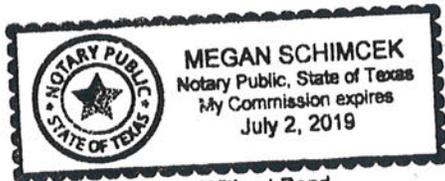
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Jennifer Cook, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jennifer Cook, 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 20th day of October, A.D. 2015.

Notary Public, State of Texas



Notary Without Bond