

**Executive Summary – Enforcement Matter – Case No. 50780**  
**CRTX Properties LLC**  
**RN102319464**  
**Docket No. 2015-1009-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

Hidden Tree Ranch, 1715 90th Street, Lubbock, Lubbock County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 23, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,500

**Amount Deferred for Naturally Occurring Radionuclides and Inorganic Contaminants:** \$1,500

**Amount Deferred for Financial Inability to Pay:** \$0

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

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50780**  
**CRTX Properties LLC**  
**RN102319464**  
**Docket No. 2015-1009-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 11, 2015 through May 22, 2015, and June 1, 2015 through June 12, 2015

**Date(s) of NOE(s):** May 22, 2015 and June 12, 2015

***Violation Information***

1. Failed to comply with the maximum contaminant level ("MCL") of 30 micrograms per liter for uranium based on the running annual average [30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to comply with the MCL of 0.010 milligrams per liter for arsenic based on the running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to comply with the MCL of 4 milligrams per liter for fluoride based on the running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director ("ED") regarding a fluoride MCL violation [30 TEX. ADMIN. CODE §§ 290.106(f)(3), 290.122(b)(3)(A) and (f), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED; and
  - ii. Provide public notification regarding the fluoride MCL violation for the fourth quarter of 2014 and provide a copy of the public notification to the ED.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 50780**  
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c. Within 120 days, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCLs for uranium, arsenic, and fluoride. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study.

d. Within 135 days, submit written certification to demonstrate compliance with c.

e. Within 180 days, submit an acceptable written plan, including a proposed schedule, to the ED that provides for the completion of an alternate water source or treatment technology.

f. Within 180 days, and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCLs for uranium, arsenic, and fluoride.

g. Within 195 days, submit written certification to demonstrate compliance with e.

h. Within 1,095 days:

i. Return to compliance with the MCL for uranium based on the running annual average;

ii. Return to compliance with the MCL for arsenic based on the running annual average; and

iii. Return to compliance with the MCL for fluoride based on the running annual average.

i. Within 1,110 days, submit written certification to demonstrate compliance with h.

***Litigation Information***

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

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

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50780**  
**CRTX Properties LLC**  
**RN102319464**  
**Docket No. 2015-1009-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Michaelle Garza, Enforcement Division,  
Enforcement Team 2, MC R-13, (210) 403-4076; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Dennis Wayne Crump, Managing Member, CRTX Properties LLC, 3608  
Iron Mountain Ranch Court, Southlake, Texas 76092

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 15-Jun-2015 | <b>Screening</b> | 16-Jun-2015 | <b>EPA Due</b> | 30-Jun-2014 |
|              | <b>PCW</b>      | 16-Jun-2015 |                  |             |                |             |

|                                        |                     |
|----------------------------------------|---------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                     |
| <b>Respondent</b>                      | CRTX Properties LLC |
| <b>Reg. Ent. Ref. No.</b>              | RN102319464         |
| <b>Facility/Site Region</b>            | 2-Lubbock           |
| <b>Major/Minor Source</b>              | Minor               |

|                                        |                     |                              |                    |
|----------------------------------------|---------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                     |                              |                    |
| <b>Enf./Case ID No.</b>                | 50780               | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2015-1009-PWS-E     | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Public Water Supply | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                     | <b>Enf. Coordinator</b>      | Michaelle Garza    |
|                                        |                     | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                | <b>Maximum</b>               | \$1,000            |

## Penalty Calculation Section

|                                                             |                   |       |
|-------------------------------------------------------------|-------------------|-------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$750 |
|-------------------------------------------------------------|-------------------|-------|

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

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

|                           |                    |                                |       |
|---------------------------|--------------------|--------------------------------|-------|
| <b>Compliance History</b> | 100.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$750 |
|---------------------------|--------------------|--------------------------------|-------|

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

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

|                                                      |                   |     |
|------------------------------------------------------|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|------------------------------------------------------|-------------------|-----|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                              |          |
|------------------------------|----------|
| Total EB Amounts             | \$13,782 |
| Estimated Cost of Compliance | \$40,125 |

\*Capped at the Total EB \$ Amount

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$1,500 |
|-----------------------------|-----------------------|---------|

|                                             |      |                   |     |
|---------------------------------------------|------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | \$0 |
|---------------------------------------------|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$1,500 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$1,500 |
|-----------------------------------|-------------------------------|---------|

|                 |                |                   |     |
|-----------------|----------------|-------------------|-----|
| <b>DEFERRAL</b> | 0.0% Reduction | <b>Adjustment</b> | \$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.

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$1,500 |
|------------------------|---------|

**Screening Date** 16-Jun-2015

**Docket No.** 2015-1009-PWS-E

**PCW**

**Respondent** CRTX Properties LLC

Policy Revision 4 (April 2014)

**Case ID No.** 50780

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN102319464

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Michaëlle Garza

### 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> )                                                                            | 6                 | 30%     |
|                               | Other written NOVs                                                                                                                                                                                                                     | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )                                                                                                                      | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 4                 | 100%    |
| 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)** 130%

>> **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 six NOVs with the same/similar violations, one agreed order without a denial of liability, and three default orders.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 130%

>> **Final Compliance History Adjustment**

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

**Screening Date** 16-Jun-2015  
**Respondent** CRTX Properties LLC  
**Case ID No.** 50780  
**Reg. Ent. Reference No.** RN102319464  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Garza

**Docket No.** 2015-1009-PWS-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.108(f)(1) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**  
 Failed to comply with the maximum contaminant level ("MCL") of 30 micrograms per liter ("µg/L") for uranium based on the running annual average. Specifically, the running annual average concentrations for uranium were 35 µg/L for the second quarter of 2014, 34 µg/L for the third quarter of 2014, and 34 µg/L for the fourth quarter of 2014.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes** Exceeding the MCL for uranium has exposed persons served by the Facility to a significant amount of contaminants which do not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**Reduction**

Before NOE/NOV    NOE/NOV to EDRP/Settlement Offer

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

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent:** CRTX Properties LLC  
**Case ID No.:** 50780  
**Reg. Ent. Reference No.:** RN102319464  
**Media:** Public Water Supply  
**Violation No.:** 1

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

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

### Delayed Costs

|                          |          |             |            |      |       |          |          |
|--------------------------|----------|-------------|------------|------|-------|----------|----------|
| Equipment                |          |             |            | 0.00 | \$0   | \$0      | \$0      |
| Buildings                |          |             |            | 0.00 | \$0   | \$0      | \$0      |
| Other (as needed)        | \$40,000 | 31-Dec-2013 | 1-Dec-2018 | 4.92 | \$656 | \$13,121 | \$13,778 |
| 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 other delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCLs for uranium, arsenic, and fluoride, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

**TOTAL**

\$13,778

**Screening Date** 16-Jun-2015  
**Respondent** CRTX Properties LLC  
**Case ID No.** 50780  
**Reg. Ent. Reference No.** RN102319464  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Garza

**Docket No.** 2015-1009-PWS-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.106(f)(3) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to comply with the MCL of 0.010 milligrams per liter ("mg/L") for arsenic based on the running annual average. Specifically, the running annual average concentrations for arsenic were 0.018 mg/L for the fourth quarter of 2013, 0.017 mg/L for the first quarter of 2014, 0.017 mg/L for the second quarter of 2014, 0.017 mg/L for the third quarter of 2014, and 0.016 mg/L for the fourth quarter of 2014.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

Matrix Notes

Exceeding the MCL for arsenic has exposed persons served by the Facility to a significant amount of contaminants which do not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two annual events are recommended.

**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 with x)                     |

Notes

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** CRTX Properties LLC  
**Case ID No.** 50780  
**Req. Ent. Reference No.** RN102319464  
**Media** Public Water Supply  
**Violation No.** 2

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

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

### Delayed Costs

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

Notes for DELAYED costs

The delayed cost is included in the economic benefit associated with 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]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

**Screening Date** 16-Jun-2015  
**Respondent** CRTX Properties LLC  
**Case ID No.** 50780  
**Reg. Ent. Reference No.** RN102319464  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Michaelle Garza

**Docket No.** 2015-1009-PWS-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.106(f)(3), 290.122(b)(3)(A) and (f), and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to comply with the MCL of 4 mg/L for fluoride based on the running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding a fluoride MCL violation. Specifically, the running annual average concentrations for fluoride were 4.7 mg/L for the fourth quarter of 2013, 4.7 mg/L for the first quarter of 2014, 4.7 mg/L for the second quarter of 2014, 4.7 mg/L for the third quarter of 2014, and 4.6 mg/L for the fourth quarter of 2014 and public notification for the fourth quarter of 2014 fluoride MCL violation was due by April 13, 2015 but not provided.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

Matrix Notes

Exceeding the MCL for fluoride has exposed persons served by the Facility to a significant amount of contaminants which do not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

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

**Violation Base Penalty**

Two annual events are recommended.

**Good Faith Efforts to Comply**

**Reduction**

|               | 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**

**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** CRTX Properties LLC  
**Case ID No.** 50780  
**Reg. Ent. Reference No.** RN102319464  
**Media** Public Water Supply  
**Violation No.** 3

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Overtime 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 | 1-Jun-2015  | 1-Feb-2016 | 0.67 | \$3 | n/a | \$3 |
| Remediation/Disposal     |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |            | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$25  | 13-Apr-2015 | 1-Feb-2016 | 0.81 | \$1 | n/a | \$1 |

#### Notes for DELAYED costs

The delayed cost for exceeding the MCL for fluoride is included in the economic benefit associated with violation no. 1.

The training/sampling delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that all public notifications are provided, calculated from the date of the record review to the estimated date of compliance. The other delayed cost is the estimated amount to ensure that all delinquent public notifications (\$25 per notification x one notification) are provided to persons served by the Facility and to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

**TOTAL**

\$4

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 CN604522557, RN102319464, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604522557, CRTX Properties LLC **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102319464, HIDDEN TREE RANCH **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 1715 90TH STREET, LUBBOCK, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520009**

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

**Date Compliance History Report Prepared:** June 15, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 15, 2010 to June 15, 2015

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

**Name:** Michaelle Garza

**Phone:** (210) 403-4076

## 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? YES
- 3) If **YES** for #2, who is the current owner/operator? CRTX Properties LLC OWNER since 10/29/2013
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? HUGHES, PAMELA SUE, OWNER, 7/25/2006 to 10/28/2013
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/29/2013

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

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

- 1 Effective Date: 05/08/2011 ADMINORDER 2010-1409-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 08/2008 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 08/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)



monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 05/2010 - Failure to collect any routine monitoring sample(s).

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: Failure to pay public health service fees, including late fees, for TCEQ Financial Administration Account No. 91520009 for Fiscal Years 2007 through 2010, in a timely manner.

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Effective Date: 09/14/2014 ADMINORDER 2012-2346-PWS-E (Findings Order-Default)

Classification: Moderate

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

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

Classification: Moderate

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

Description: NO3 MR YR2008 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

Classification: Moderate

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

Description: FLU MR 4Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.

Classification: Moderate

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

Description: FLU MR 3Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2008 to 09/30/2008.

Classification: Moderate

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

Description: FLU MR 2Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.

Classification: Moderate

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

Description: FLU MR 1Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2008 to 03/31/2008.

Classification: Moderate

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

Description: NO3 MR YR2007 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007.

Classification: Moderate

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

Description: MIN MR 3Y2007 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

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

Description: MTL MR 3Y2007 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

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

Description: FLU MR 4Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.

Classification: Moderate

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

Description: FLU MR 3Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.

Classification: Moderate

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

Description: FLU MR 2Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.

Classification: Moderate

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

Description: FLU MR 1Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2007 to 03/31/2007.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: ARS MR 2Q2012 - The system failed to monitor and/or failed to report arsenic levels to the TCEQ for the quarterly monitoring period from 04/01/2012 to 06/30/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2012 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2012 to 06/30/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO32 MR 2Q2012 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the quarterly monitoring period from 04/01/2012 to 06/30/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: ARS MR 1Q2012 - The system failed to monitor and/or failed to report arsenic levels to the TCEQ for the quarterly monitoring period from 01/01/2012 to 03/31/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 1Q2012 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2012 to 03/31/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO32 MR 1Q2012 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the quarterly monitoring period from 01/01/2012 to 03/31/2012.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)  
Description: DBP MR 3Y2011 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2009 to 12/31/2011.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 4Q2011 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2011 to 12/31/2011.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 3Q2011 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2011 to 09/30/2011.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2011 - The system failed to monitor and/or failed to report fluoride levels 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)  
Description: MTL MR 3Y2010 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)  
Description: VOC MR 3Y2010 - The system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO32 MR 4Q2010 - The system failed to monitor and/or failed to report nitrate/nitrite levels 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 290.106(e)  
Description: FLU MR 4Q2010 - The system failed to monitor and/or failed to report fluoride levels 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 290.106(e)  
Description: NO32 MR 3Q2010 - The system failed to monitor and/or failed to report nitrate/nitrite levels 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 290.106(e)  
Description: FLU MR 3Q2010 - The system failed to monitor and/or failed to report fluoride levels 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 290.106(e)  
Description: NO32 MR 2Q2010 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2010 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO32 MR 1Q2010 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 1Q2010 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 4Q2009 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 3Q2009 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Q2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2009 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2009 to 06/30/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2009 to 06/30/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 1Q2009 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2009 to 03/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 1Q2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2009 to 03/31/2009.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2008 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Q2008 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2008 to 09/30/2008.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 2Q2008 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2007 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)

Description: RAD MR 3Y2007 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

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Effective Date: 11/06/2014 ADMINORDER 2014-0127-PWS-E (Findings Order-Default)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: NO3 AMCL 2Q2012 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 06/05/2012.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 2Q2012 - The system violated the maximum contaminant level for arsenic during the 2nd quarter of 2012 with a RAA of 0.012 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 3Q2012 - The system violated the maximum contaminant level for arsenic during the 3rd quarter of 2012 with a RAA of 0.017 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 4Q2012 - The system violated the maximum contaminant level for arsenic during the 4th quarter of 2012 with a RAA of 0.023 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 1Q2013 - The system violated the maximum contaminant level for arsenic during the 1st quarter of 2013 with a RAA of 0.023 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 2Q2013 - The system violated the maximum contaminant level for arsenic during the 2nd quarter of 2013 with a RAA of 0.018 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 3Q2013 - The system violated the maximum contaminant level for arsenic during the 3rd quarter of 2013 with a RAA of 0.018 mg/L.

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 4Q2009 - The system violated the maximum contaminant level for fluoride during the 4th quarter of 2009 with a RAA of 5 mg/L.

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 1Q2010 - The system violated the maximum contaminant level for fluoride during the 1st quarter of 2010 with a RAA of 5 mg/L.

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 2Q2010 - The system violated the maximum contaminant level for fluoride during the 2nd quarter of 2010 with a RAA of 5 mg/L.

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 3Q2010 - The system violated the maximum contaminant level for fluoride during the 3rd quarter of 2010 with a RAA of 5 mg/L.

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 4Q2010 - The system violated the maximum contaminant level for fluoride during the 4th quarter of 2010 with a RAA of 5 mg/L.  
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 1Q2011 - The system violated the maximum contaminant level for fluoride during the 1st quarter of 2011 with a RAA of 5 mg/L.  
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 2Q2012 - The system violated the maximum contaminant level for fluoride during the 2nd quarter of 2012 with a RAA of 5 mg/L.  
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 3Q2012 - The system violated the maximum contaminant level for fluoride during the 3rd quarter of 2012 with a RAA of 5 mg/L.  
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 4Q2012 - The system violated the maximum contaminant level for fluoride during the 4th quarter of 2012 with a RAA of 5 mg/L.  
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 1Q2013 - The system violated the maximum contaminant level for fluoride during the 1st quarter of 2013 with a RAA of 5 mg/L.  
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 2Q2013 - The system violated the maximum contaminant level for fluoride during the 2nd quarter of 2013 with a RAA of 5 mg/L.  
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 3Q2013 - The system violated the maximum contaminant level for fluoride during the 3rd quarter of 2013 with a RAA of 5 mg/L.

4 Effective Date: 01/08/2015 ADMINORDER 2014-0159-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
30 TAC Chapter 290, SubChapter F 290.109(e)

Description: GWR Triggered Source MR Violation 05/2013 - Failure to collect and/or report any triggered source monitoring sample following a coliform found result for 1 source within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: JUN2013 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 06/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAY2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 05/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 1st 6M2010 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2010 to 06/30/2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 2nd 6M2010 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2010 to 12/31/2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 1st 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2011 to 06/30/2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 2nd 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2011 to 12/31/2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 1st 6M2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2013 to 06/30/2013 within the required timeline.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

|        |                   |           |
|--------|-------------------|-----------|
| Item 1 | November 24, 2010 | (878813)  |
| Item 2 | October 18, 2013  | (1121135) |
| Item 3 | February 07, 2014 | (1146252) |

**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: 08/26/2014 (1252904)                                                                                                                                | CN604522557              |  |
|   | Self Report? NO                                                                                                                                           | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)                                                                                                  |                          |  |
|   | Description: UR MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for combined uranium with a RAA of 35 Ug/L. |                          |  |
| 2 | Date: 11/18/2014 (1252904)                                                                                                                                | CN604522557              |  |
|   | Self Report? NO                                                                                                                                           | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)                                                                                                  |                          |  |
|   | Description: UR MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for combined uranium with a RAA of 34 Ug/L. |                          |  |
| 3 | Date: 12/16/2014 (1255222)                                                                                                                                | CN604522557              |  |
|   | Self Report? NO                                                                                                                                           | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)                                                                                               |                          |  |
|   | Description: ARS MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.      |                          |  |
|   | Self Report? NO                                                                                                                                           | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)                                                                                               |                          |  |
|   | Description: ARS MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.017 mg/L.      |                          |  |
|   | Self Report? NO                                                                                                                                           | Classification: Moderate |  |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)                                                                                               |                          |  |
|   | Description: ARS MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.017 mg/L.      |                          |  |





01/01/2008 to 12/31/2010.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR YR2008 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 4Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 3Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2008 to

09/30/2008.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2008 to 06/30/2008.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 1Q2008 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2008 to 03/31/2008.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: NO3 MR YR2007 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2007 to 12/31/2007.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: MIN MR 3Y2007 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: MTL MR 3Y2007 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 4Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 3Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2007 to 09/30/2007.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 2Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2007 to 06/30/2007.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)  
Description: FLU MR 1Q2007 - The system failed to monitor and/or failed to report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2007 to 03/31/2007.

6 Date: 07/27/2009 (1041753) CN604522557  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 4Q2007 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2007 to 12/31/2007.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)  
Description: RAD MR 3Y2007 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

7 Date: 08/04/2009 (842576) CN604522557  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 06/2009 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 06/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

8 Date: 10/02/2009 (842664) CN604522557  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 08/2009 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: TCR PN Routine Monitoring Violation 08/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

9 Date: 12/08/2009 (842683) CN604522557  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)  
Description: TCR Routine Monitoring Violation 10/2009 - Failure to collect any routine monitoring sample(s).  
Classification: Moderate

- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: TCR PN Routine Monitoring Violation 10/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).
- 10 Date: 01/13/2010 (842696) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 11/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: TCR PN Routine Monitoring Violation 11/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).
- 11 Date: 01/26/2010 (842871) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).
- 12 Date: 05/03/2010 (842883) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 03/2010 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: TCR PN Routine Monitoring Violation 03/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).
- 13 Date: 07/06/2010 (842915) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR Routine Monitoring Violation 05/2010 - Failure to collect any routine monitoring sample(s).
- 14 Date: 06/08/2012 (1132939) CN604522557  
 Classification: Major
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
 5A THSC Chapter 341, SubChapter A 341.031(a)  
 Description: NO3 AMCL 2Q2012 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 06/05/2012.
- 15 Date: 08/07/2012 (1022384) CN604522557  
 Classification: Minor

- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
 Description: Failure to obtain a sanitary control easement related to the well.
- 16 Date: 08/01/2013 (1138277) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
 30 TAC Chapter 290, SubChapter F 290.109(e)  
 Description: GWR Triggered Source MR Violation 05/2013 - Failure to collect and/or report any triggered source monitoring sample following a coliform found result for 1 source within the required timeline.
- 17 Date: 08/08/2013 (1120190) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(e)  
 Description: TCR Increase MR Violation 06/2013 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.
- 18\* Date: 10/21/2013 (1138277) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: JUN2013 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 06/2013.
- 19\* Date: 11/07/2013 (1138277) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: MAY2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 05/2013.
- 20\* Date: 08/26/2014 (1252904) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
 Description: UR MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for combined uranium with a RAA of 35 Ug/L.
- 21 Date: 11/18/2014 (1252904) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
 Description: UR MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for combined uranium with a RAA of 34 Ug/L.
- 22 Date: 12/16/2014 (1255222) CN604522557  
 Classification: Moderate
- Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 Description: ARS MCL 4Q2014 - During the 4th quarter of 2014 the system violated the

maximum contaminant level for arsenic with a RAA of 0.016 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: ARS MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.017 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: ARS MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.017 mg/L.

23 Date: 01/13/2015 (1255222) CN604522557

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: FLU MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for fluoride with a RAA of 4.6 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: FLU MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for fluoride with a RAA of 4.7 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: FLU MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for fluoride with a RAA of 4.7 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: FLU MCL 1Q2014 - During the 1st quarter of 2014 the system violated the maximum contaminant level for fluoride with a RAA of 4.7 mg/L.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: FLU MCL 4Q2013 - During the 4th quarter of 2013 the system violated the maximum contaminant level for fluoride with a RAA of 4.7 mg/L.

24 Date: 04/09/2015 (1252904) CN604522557

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
Description: UR MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for combined uranium with a RAA of 34 Ug/L.

25 Date: 04/30/2015 (1255222) CN604522557

Classification: Moderate

Self Report? NO For Informational Purposes Only  
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 4Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for fluoride during the 4th quarter of 2014.

\* NOV's applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

## Appendix B

### All Investigations Conducted During Component Period June 15, 2010 and June 15, 2015

|          |                      |                                              |
|----------|----------------------|----------------------------------------------|
| Item 1   | July 21, 2010**      | (841659)<br>For Informational Purposes Only  |
| Item 2   | July 29, 2010**      | (842527)<br>For Informational Purposes Only  |
| Item 3   | August 06, 2010**    | (843602)<br>For Informational Purposes Only  |
| Item 4   | September 10, 2010** | (860363)<br>For Informational Purposes Only  |
| Item 5*  | November 24, 2010**  | (878813)<br>For Informational Purposes Only  |
| Item 6   | August 07, 2012**    | (1022384)<br>For Informational Purposes Only |
| Item 7   | October 23, 2012**   | (1041456)<br>For Informational Purposes Only |
| Item 8   | October 25, 2012**   | (1041753)<br>For Informational Purposes Only |
| Item 9   | November 01, 2012**  | (1041670)<br>For Informational Purposes Only |
| Item 10  | January 22, 2013**   | (1053961)<br>For Informational Purposes Only |
| Item 11  | September 11, 2013** | (1120190)<br>For Informational Purposes Only |
| Item 12* | October 18, 2013**   | (1121135)<br>For Informational Purposes Only |
| Item 13  | November 18, 2013**  | (1132939)<br>For Informational Purposes Only |
| Item 14  | December 10, 2013**  | (1138277)<br>For Informational Purposes Only |
| Item 15  | December 20, 2013**  | (1133144)<br>For Informational Purposes Only |
| Item 16* | February 07, 2014**  | (1146252)<br>For Informational Purposes Only |
| Item 17  | May 18, 2015         | (1252904)<br>For Informational Purposes Only |
| Item 18  | May 22, 2015         | (1252959)<br>For Informational Purposes Only |
| Item 19  | June 10, 2015        | (1255222)<br>For Informational Purposes Only |
| Item 20  | June 12, 2015        | (1258609)<br>For Informational Purposes Only |

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CRTX PROPERTIES LLC  
RN102319464**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2015-1009-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CRTX Properties LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 1715 90<sup>th</sup> Street in Lubbock, Lubbock County, Texas (the "Facility") that has approximately 30 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from May 11, 2015 through May 22, 2015, TCEQ staff documented that the running annual average concentrations for uranium were 35 micrograms per liter ("µg/L") for the second quarter of 2014, 34 µg/L for the third quarter of 2014, and 34 µg/L for the fourth quarter of 2014.
3. During a record review conducted from June 1, 2015 through June 12, 2015, TCEQ staff documented that the running annual average concentrations for arsenic were 0.018 milligrams per liter ("mg/L") for the fourth quarter of 2013, 0.017 mg/L for the first quarter of 2014, 0.017 mg/L for the second quarter of 2014, 0.017 mg/L for the third quarter of 2014, and 0.016 mg/L for the fourth quarter of 2014.
4. During a record review conducted from June 1, 2015 through June 12, 2015, TCEQ staff documented that the running annual average concentrations for fluoride were 4.7 mg/L for the fourth quarter of 2013, 4.7 mg/L for the first quarter of 2014, 4.7 mg/L for the second quarter of 2014, 4.7 mg/L for the third quarter of 2014, and 4.6 mg/L for the fourth quarter of 2014 and public notification for the fourth quarter of 2014 fluoride maximum contaminant level ("MCL") violation was due by April 13, 2015 but was not provided.
5. The Respondent received notices of the violations on June 1, 2015 and June 18, 2015.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL of 30 µg/L for uranium based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.108(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL of 0.010 mg/L for arsenic based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the MCL of 4 mg/L for fluoride based on the running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding a fluoride MCL violation, in violation of 30 TEX. ADMIN. CODE §§ 290.106(f)(3), 290.122(b)(3)(A) and (f), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction;

for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). One Thousand Five Hundred Dollars (\$1,500) of the administrative penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all terms of this Agreed Order and shall be waived only upon full compliance with all the terms and conditions contained in this Agreed Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, the deferred amount of the administrative penalty shall become immediately due and payable without demand or notice, and the Executive Director may request the Respondent to pay all or part of the deferred administrative penalty.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CRTX Properties LLC, Docket No. 2015-1009-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and

- ii. Provide public notification regarding the fluoride MCL violation for the fourth quarter of 2014, and provide a copy of the public notification to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i. below to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.
- c. Within 120 days after the effective date of this Agreed Order, complete a feasibility study, or update an existing feasibility study, and submit a written report or engineering study conducted by a Texas registered professional engineer regarding the results of the feasibility study to evaluate the necessary corrective actions designed to achieve compliance with the MCLs for uranium, arsenic, and fluoride. The report shall include a tentative schedule describing additional studies, tests, or other methods that may be utilized for the completion of necessary corrective actions within 1,095 days after the effective date of this Agreed Order. If the Respondent purchases or sells water, a copy of the purchase water contract must be submitted with the feasibility study report or engineering study. The evaluation shall be sent to the addresses listed in Ordering Provision No. 2.i.
- d. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i. below to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Agreed Order, submit an acceptable written plan, including a proposed schedule, to the Executive Director that provides for the completion of an alternate water source or treatment technology to the addresses listed in Ordering Provision No. 2.i.
- f. Within 180 days after the effective date of this Agreed Order, and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.i. below. These reports shall include information regarding actions taken to provide water which meets the MCLs for uranium, arsenic, and fluoride.
- g. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i. below to demonstrate compliance with Ordering Provision No. 2.e.
- h. Within 1,095 days after the effective date of this Agreed Order:
  - i. Return to compliance with the MCL for uranium, based on the running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.108;

- ii. Return to compliance with the MCL for arsenic, based on the running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
  - iii. Return to compliance with the MCL for fluoride, based on the running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- i. Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.h.i., 2.h.ii., and 2.h.iii. The certification shall be notarized by a State of Texas Notary Public and 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

11/19/15  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of CRTX Properties LLC. I am authorized to agree to the attached Agreed Order on behalf of CRTX Properties LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, CRTX Properties LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

9/22/2015  
Date

DENNIS GRUMP  
Name (Printed or typed)  
Authorized Representative of  
CRTX Properties LLC

MANAGING MEMBER / OWNER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.