

**Eddie Douglas**

RN108091729

Docket No. 2015-1551-PWS-E

**Order Type:**

Default Order

**Media:**

PWS

**Small Business:**

Yes

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

7420 82nd Street, Lubbock, Lubbock County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$742.16 (Acct. No. 91520300; referred for collection)
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** May 20, 2016**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$2, 202**Total Paid to General Revenue:** \$0**Total Due to General Revenue:** \$2, 202**Compliance History Classifications:**

Person/CN –Unclassified  
Site/RN – Unclassified

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

**Eddie Douglas**  
**RN108091729**  
**Docket No. 2015-1551-PWS-E**

**Investigation Information**

**Complaint Date(s):** January 12, 2015  
**Complaint Information:** Alleged that the facility meets the requirements of a public water system but is not being regulated as one.

**Date(s) of Investigation:** January 23, 2015 (complaint investigation); September 8, 2016

**Date(s) of NOV(s):** March 6, 2015

**Date(s) of NOE(s):** October 9, 2015

**Violation Information**

1. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply [TEX. HEALTH & SAFETY CODE § 341.035(a) and 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1)].
2. Failed to provide a flow measuring device for the well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].
3. Failed to provide disinfection facilities for the groundwater supply to ensure that continuous and effective disinfection can be secured under all conditions for the purpose of microbiological control throughout the distribution system [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
4. Failed to provide a minimum pressure tank capacity of 220 gallons [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii)].
5. Failed to operate the Facility under the direct supervision of a licensed water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**  
None

**Technical Requirements:**

1. Within 10 days, install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection.
2. Within 30 days:
  - a. Provide the Facility's well with a flow measuring device; and
  - b. Commence operating the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 through 2.b.
4. Within 180 days:
  - a. Provide a minimum pressure tank capacity of 220 gallons at the Facility; and
  - b. Submit plans and specifications for review and approval.
5. Within 195 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 4.a. and 4.b.
6. Within 270 days, obtain approval of the as-built plans and specifications.
7. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement No. 6.

**Eddie Douglas**

**RN108091729**

**Docket No. 2015-1551-PWS-E**

**Litigation Information**

**Date Petition(s) Filed:** April 4, 2016

**Date Green Card(s) Signed:** April 8, 2016

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

**Contact Information**

**TCEQ Attorneys:** Ryan Rutledge, Litigation Division, (512) 239-3400

Lena Roberts, Litigation Division, (512) 239-3400

Rudy Calderon, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, (361) 825-3425

**TCEQ Regional Contact:** Gary Shipp, Lubbock Regional Office, (806) 796-7092

**Respondent Contact:** Eddie Douglas, 7081 Morningside Court, Brentwood, Tennessee 37027

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Oct-2015		
	<b>PCW</b>	16-Feb-2016	<b>Screening</b>	13-Oct-2015
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Eddie Douglas
<b>Reg. Ent. Ref. No.</b>	RN108091729
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	51404	<b>No. of Violations</b>	5
<b>Docket No.</b>	2015-1551-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,100
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	5.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$55
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Notes: Enhancement for one NOV with a same/similar violation.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,124  
 Estimated Cost of Compliance: \$21,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,155
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	90.6%	<b>Adjustment</b>	\$1,047
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation No. 5.

<b>Final Penalty Amount</b>	\$2,202
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,202
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$2,202
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Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with a same/similar violation.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 5%

Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a)

Violation Description Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, a private water well serving at least 25 people at least 60 days out the year was documented. The private water well supplies raw water groundwater to at least five nearby businesses, including public restrooms and drinking water fountains. One of the businesses currently serves approximately 65 people per day which meets the definition of a nontransient noncommunity public water supply and did not obtain approval.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 35 Number of violation days

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. Single event is marked with 'x'.

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Table for Good Faith Efforts with rows: Extraordinary, Ordinary, N/A. N/A is marked with 'x'.

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$621

Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

## Economic Benefit Worksheet

**Respondent** Eddie Douglas  
**Case ID No.** 51404  
**Reg. Ent. Reference No.** RN108091729  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	23-Jan-2015	1-Nov-2016	1.78	\$30	\$592	\$621
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to obtain the services of a professional engineer to prepare and submit plans and specifications for the public water supply, calculated from the date the violation was initially documented to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$621
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Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description

Failed to provide a flow measuring device for the well to measure production yields and provide for the accumulation of water production data.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide an accurate flow measuring device for the well could lead to incorrect water usage calculations and prevent the operator from obtaining accurate well production data and determining proper amounts of disinfection of raw water, thereby exposing persons served by the Facility to contaminants which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

35 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended, calculated from the date of the investigation, September 8, 2015, to the date of screening, October 13, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

# Economic Benefit Worksheet

**Respondent** Eddie Douglas  
**Case ID No.** 51404  
**Reg. Ent. Reference No.** RN108091729  
**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	\$300	8-Sep-2015	1-Jun-2016	0.73	\$1	\$15	\$15
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a flow measuring device, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300
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**TOTAL**

\$15
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Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)

Violation Description

Failed to provide disinfection facilities for the groundwater supply to ensure that continuous and effective disinfection can be secured under all conditions for the purpose of microbiological control throughout the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Without disinfection facilities in place, the persons served by the Facility could be exposed to contaminants in the water supply which would exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

35 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the date of the investigation, September 8, 2015, to the date of screening, October 13, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Notes

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$601

This violation Final Assessed Penalty (adjusted for limits) \$601

# Economic Benefit Worksheet

**Respondent** Eddie Douglas  
**Case ID No.** 51404  
**Reg. Ent. Reference No.** RN108091729  
**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	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$800	8-Sep-2015	10-May-2016	0.67	\$2	\$36	\$38
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install disinfection facilities for the water system, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$800

**TOTAL**

\$38

Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, it was documented that a pressure tank was not observed, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to have adequate pressure tank capacity could result in low pressure or backflow problems which could cause the persons served by the Facility to be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 35 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the date of the investigation, September 8, 2015, to the date of screening, October 13, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Notes

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$403

Violation Final Penalty Total \$601

This violation Final Assessed Penalty (adjusted for limits) \$601

## Economic Benefit Worksheet

**Respondent** Eddie Douglas  
**Case ID No.** 51404  
**Reg. Ent. Reference No.** RN108091729  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	8-Sep-2015	1-Nov-2016	1.15	\$19	\$384	\$403
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to provide a minimum pressure tank capacity of 220 gallons, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$5,000

**TOTAL** \$403

Screening Date 13-Oct-2015

Docket No. 2015-1551-PWS-E

PCW

Respondent Eddie Douglas

Policy Revision 4 (April 2014)

Case ID No. 51404

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108091729

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A)

Violation Description Failed to operate the Facility under the direct supervision of a licensed water works operator who holds a Class "D" or higher license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

Failure to operate the Facility under the direct supervision of an appropriately licensed water works operator may expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 35 Number of violation days

Table for frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the date of the investigation, September 8, 2015, to the date of screening, October 13, 2015.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,047

Violation Final Penalty Total \$601

This violation Final Assessed Penalty (adjusted for limits) \$601

## Economic Benefit Worksheet

**Respondent** Eddie Douglas  
**Case ID No.** 51404  
**Reg. Ent. Reference No.** RN108091729  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$10,400	8-Sep-2015	13-Oct-2015	0.10	\$50	\$997	\$1,047
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to hire an appropriately licensed operator for the public water system, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$10,400

**TOTAL** \$1,047

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

**PENDING** Compliance History Report for CN604757930, RN108091729, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN604757930, Eddie Douglas **Classification:** UNCLASSIFIED **Rating:** -----  
**Regulated Entity:** RN108091729, Douglas Water Supply Well **Classification:** UNCLASSIFIED **Rating:** -----  
**Complexity Points:** 0 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 7420 82ND ST, LUBBOCK, LUBBOCK COUNTY, TEXAS  
**TCEQ Region:** REGION 02 - LUBBOCK  
**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1520300  
**WATER QUALITY NON PERMITTED ID NUMBER** R022242015  
**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015  
**Date Compliance History Report Prepared:** October 12, 2015  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** October 12, 2010 to October 12, 2015

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

**Name:** EPI VILLARREAL

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

## Site and Owner/Operator History:

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

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

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

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

N/A

### E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

#### 1 **Date:** 03/06/2015 (1228821)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)

30 TAC Chapter 290, SubChapter D 290.40(f)

Description: Failure to construct or operate a public drinking water system in accordance with the applicable rules and regulations.

### F. Environmental audits:

N/A

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

N/A

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

N/A

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

N/A

### J. Early compliance:

N/A

### Sites Outside of Texas:

N/A

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EDDIE DOUGLAS;  
RN108091729**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2015-1551-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Eddie Douglas ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owns a public water system located at 7420 82nd Street in Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 5 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During an investigation conducted on September 8, 2015, an investigator documented that Respondent:
  - a. Failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, a private water well serving at least 25 people at least 60 days out the year was documented. The private water well supplies raw water groundwater to at least five nearby businesses, including public restrooms and drinking water fountains. One of the businesses currently serves approximately 65 people per day, which meets the definition of a nontransient noncommunity public water supply, and did not obtain approval;
  - b. Failed to provide a flow measuring device for the well to measure production yields and provide for the accumulation of water production data;
  - c. Failed to provide disinfection facilities for the groundwater supply to ensure that continuous and effective disinfection can be secured under all conditions for the purpose of microbiological control throughout the distribution system;
  - d. Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, a pressure tank was not observed, which is a 100% deficiency; and
  - e. Failed to operate the Facility under the direct supervision of a licensed water works operator who holds a Class "D" or higher license.

3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Eddie Douglas" (the "EDPRP") in the TCEQ Chief Clerk's office on April 4, 2016.
4. By letter dated April 4, 2016, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on April 8, 2016.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply, in violation of TEX. HEALTH & SAFETY CODE § 341.035(a) and 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a flow measuring device for the well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide disinfection facilities for the groundwater supply to ensure that continuous and effective disinfection can be secured under all conditions for the purpose of microbiological control throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a minimum pressure tank capacity of 220 gallons, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to operate the Facility under the direct supervision of a licensed water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
7. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
8. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

10. An administrative penalty in the amount of two thousand two hundred two dollars (\$2,202.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of two thousand two hundred two dollars (\$2,202.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Eddie Douglas; Docket No. 2015-1551-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Order, install and begin operating disinfection facilities to continuously maintain an adequate disinfectant residual throughout the distribution system for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - b. Within 30 days after the effective date of this Order:
    - i. Provide the Facility's well with a flow measuring device, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
    - ii. Commence operating the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.a. through 3.b.ii.
  - d. Within 180 days after the effective date of this Order:
    - i. Provide a minimum pressure tank capacity of 220 gallons at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Submit plans and specifications for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Utilities Technical Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the plans and specifications within 15 days after the date of such requests or before any other deadline specified in writing.

- e. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provisions Nos. 3.d.i. and 3.d.ii.
- f. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- g. Within 285 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h., below, to demonstrate compliance with Ordering Provision No. 3.f.
- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

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

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

**AFFIDAVIT OF RYAN RUTLEDGE**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Eddie Douglas" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on April 4, 2016.

The EDPRP was mailed to Respondent's last known address on April 4, 2016, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on April 8, 2016.

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

*Ryan Rutledge*

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

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

Subscribed and sworn to before me on this 3<sup>rd</sup> day of May, A.D. 2016.

*Donna Mae Delgado*  
\_\_\_\_\_  
Notary Public, State of Texas



Notary without Bond