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SOAH DOCKET NO. 582-08-1716
TCEQ DOCKET NO. 2005-1860-PWS-E

IN THE MATTER OF AN	**§**	**BEFORE THE STATE OFFICE**
ENFORCEMENT ACTION AGAINST	**§**	
CLARENCE A. REEVES dba	**§**	**OF**
PLEASANT RIDGE ADDITION AND	**§**	
dba TIMBER CREEK ADDITION	**§**	**ADMINISTRATIVE HEARINGS**

PROPOSAL FOR DECISION

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) alleges that Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition has violated many portions of 30 TEX. ADMIN. CODE (TAC) ch. 290 and an Agreed Order issued in a prior case. The ED asks the Commission to enter an order assessing an administrative penalty against Mr. Reeves in the amount of $20,760 for these violations. He also recommends that the Commission order Mr. Reeves to undertake corrective actions necessary to bring his operations into compliance.

Mr. Reeves, through Karen Reeves, filed a response to the Executive Director's Preliminary Report and Petition (EDPRP). The response commented on the EDPRP but did not specifically ask for a hearing. Nevertheless, the ED treated the response as a hearing request, and the case was transferred to the State Office of Administrative Hearings (SOAH) for hearing.

Although the required notice of hearing was sent to him, neither Mr. Reeves nor anyone on his behalf appeared at the hearing or sought a continuance. The ED moved for the issuance of a default order deeming the alleged facts true, imposing the proposed penalty, and ordering Mr. Reeves to take the necessary corrective action. The Administrative Law Judge recommends that the Commission grant the ED's motion and issue the attached default order granting the relief requested by the ED.

SIGNED April 22, 2008.

WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER

Assessing Administrative Penalties Against and Ordering Corrective Action by Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition
SOAH DOCKET NO. 582-08-1716
TCEQ DOCKET NO. 2005-1860-PWS-E

On _____, the Texas Commission on Environmental Quality (TCEQ or Commission) considered the Executive Director's Preliminary Report and Petition (EDPRP) recommending that the Commission enter an order assessing administrative penalties against and requiring corrective action by Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition (Mr. Reeves or Respondent). A Proposal for Decision (PFD) was presented by William G. Newchurch, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH).

After considering the ALJ's PFD, the Commission adopts the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Mr. Reeves owns and operates a public water supply system located one mile north of Highway 82 on Farm-to-Market Road 3902 near Sadler, Cooke County, Texas (Pleasant Ridge Facility).

2. The Pleasant Ridge Facility has approximately 63 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption.

3. Mr. Reeves owns and operates a public water supply system located on Highway 82 approximately 1.4 miles east of Farm-to-Market Road 678 in eastern Cooke County, Texas (Timber Creek Facility).

4. The Timber Creek Facility has approximately 43 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption.

5. During an inspection conducted on October 26, 2004, a TCEQ Dallas-Fort Worth Regional Office investigator documented that Mr. Reeves was violating the following requirements at the Pleasant Ridge Facility:

   a. 30 TEX. ADMIN. CODE (TAC) § 290.41(c)(1)(F) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.e., by failing to provide a sanitary easement around the well;

   b. 30 TAC § 290.41(c)(3)(N) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.v., by failing to provide a working flow meter on the well discharge line;

   c. 30 TAC § 290.46(m)(1)(B) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.iv., by failing to conduct annual pressure tank inspections;

   d. 30 TAC § 290.43(d)(2) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.c.ii., by failing to provide a pressure release device and an easily readable pressure gauge on the pressure tank;

   e. 30 TAC § 290.46(m)(1)(A) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.iii., by failing to conduct annual ground storage tank inspections;

   f. 30 TAC § 290.46(i) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.vii., by failing to provide customer service agreements or a plumbing ordinance;

   g. 30 TAC § 290.45(b)(1)(C)(ii) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.g., by failing to provide a minimum of 200 gallons per connection ground storage tank capacity;

   h. 30 TAC § 290.42(i) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.ii., by failing to use a disinfectant that is certified by American National Standards Institute/National Sanitation Foundation (ANSI/NSF);

i. 30 TAC § 290.41(c)(3)(J) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.c.i., by failing to maintain the concrete sealing block;

j. 30 TAC § 290.41(c)(3)(P) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 2.a.vi., by failing to provide an all weather road to the well;

k. 30 TAC § 290.110(b)(4) by failing to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/l free chlorine;

l. 30 TAC § 290.41(c)(3)(K) by failing to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound;

m. 30 TAC § 290.46(v) by failing to install all water system electrical wiring in compliance with a local or national electrical code;

n. 30 TAC § 290.46(f)(1) by failing to maintain monthly operating reports;

o. 30 TAC § 290.46(n)(2) by failing to maintain and make available an accurate and up-to-date map of the distribution system;

p. 30 TAC § 290.42(k) by failing to compile and maintain a current thorough plant operations manual for operator review and reference;

q. 30 TAC § 290.121 by failing to maintain an up-to-date chemical and microbiological monitoring plan;

r. 30 TAC § 290.46(n)(3) by failing to maintain a copy of the well completion data;

s. 30 TAC § 290.46(m) by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems' facilities and equipment;

t. 30 TAC § 290.43(c) by failing to provide a ground storage tank ladder to facilitate routine inspections of roof hatches, vent overflows, the structural integrity of the roof covering, and the protective coating of the interior by agency inspectors and the water operator;

u. 30 TAC § 290.45(b)(1)(C)(iii) by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; and

v. Agreed Order, Docket No. 2001-0149-PWS-E Ordering Provision Nos. 2.a. through 2.h. by failing to comply with those Ordering Provisions.

6. During an inspection conducted on October 26, 2004, a TCEQ Dallas-Fort Worth Regional Office investigator documented that Mr. Reeves violating the following requirements at the Timber Creek Facility:

a. 30 TAC § 290.41(c)(1)(F) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.e., by failing to provide a sanitary easement around the well;

b. 30 TAC § 290.41(c)(3)(N) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.a.v., by failing to provide a working flow meter on the well discharge line;

c. 30 TAC § 290.46(m)(1)(B) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.a.iv., by failing to conduct annual pressure tank inspections;

d. 30 TAC § 290.46(m)(1)(A) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.a.iii., by failing to conduct annual ground storage tank inspections;

e. 30 TAC § 290.46(i) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.a.vi., by failing to provide customer service agreements with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;

f. 30 TAC § 290.42(i) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.a.ii., by failing to use a disinfectant that is certified by ANSI/NSF;

g. 30 TAC § 290.41(c)(3)(J) and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision 3.c., by failing to maintain the concrete sealing block;

h. 30 TAC § 290.46(f)(1) by failing to maintain monthly operating reports;

i. 30 TAC § 290.46(n)(2) by failing to mmaintain and make available an accurate and up-to-date map of the distribution system;

j. 30 TAC § 290.42(k) by failing to compile and maintain a current plant operations manual for operator review and reference;

k. 30 TAC § 290.121 by failing to maintain an up-to-date chemical and microbiological monitoring plan;

l. 30 TAC § 290.46(n)(3) by failing to maintain a copy of the well completion data;

m. 30 TAC § 290.46(v) by failing to install all water system electrical wiring in compliance with a local or national electrical code;

n. 30 TAC § 290.46(m) by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment;

o. 30 TAC § 290.41(c)(3)(P) by failing to provide an all weather road to the well site;

p. 30 TAC § 290.43(c)(7) by failing to provide an adequate drain on the ground storage tank for removal of accumulated silt and deposits at all low points in the bottom of the tank;

q. 30 TAC § 290.43(c) by failing to provide a ground storage tank ladder to facilitate routine inspections of roof hatches;

r. 30 TAC § 290.43(d)(2) by failing to provide a pressure release device on the ground storage tank;

s. 30 TAC § 290.45(b)(1)(B)(iii) by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; and

t. Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision Nos. 3.a., 3.c., and 3.e., by failing to comply with those Ordering Provisions.

7. Mr. Reeves received notice of the above violations on or about December 16, 2005.

8. On September 26, 2006, the ED issued the EDPRP and mailed it to Mr. Reeves at his last address of record with the Commission.

9. In the EDPRP, the ED alleged, based on the above-described October 26, 2004, inspections, that Mr. Reeves had violated 30 TAC §§ 290.41(c)(1)(F); 290.41(c)(3)(N); 290.46(m)(1)(B); 290.43(d)(2); 290.46(m)(1)(A); 290.46(i); 290.45(b)(1)(C)(ii); 290.42(i); 290.41(c)(3)(J); 290.41(c)(3)(P); 290.110(b)(4); 290.41(c)(3)(K); 290.46(v); 290.46(f)(1); 290.46(n)(2); 290.42(k); 290.121; 290.46(n)(3); 290.46(m); 290.43(c); 290.45(b)(1)(C)(iii); 290.43(c)(7); and 290.45(b)(1)(B)(iii); and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision Nos. 2.a. through 2.h. and 3.a., 3.c., and 3.e.

10. In the EDPRP, the Executive Director recommended that the Commission enter an order assessing an administrative penalty against Mr. Reeves in the amount of $20,760 for the alleged violations.

11. The Commission adopted a penalty policy on September 1, 2002 (Penalty Policy).

12. The penalty proposed by the ED was calculated in accordance with the Penalty Policy and the EDPRP included the specific calculations.

13. In the EDPRP, the Executive Director recommended that the Commission direct Mr. Reeves to take the corrective actions listed in the Ordering Provisions below to bring his Facilities into compliance with the TEX. WATER CODE ANN. (Water Code), TEX. HEALTH AND SAFETY CODE ANN. (Health and Safety Code), and the Commission's rules.

14. On January 18, 2007, Mr. Reeves, through Karen Reeves, filed an answer to the EDPRP, which the ED treated as a request for hearing.

15. On January 25, 2008, the ED asked the Commission's Chief Clerk to refer this case to SOAH for hearing, which she did.

16. On February 12, 2008, the Chief Clerk mailed a notice of hearing to Mr. Reeves at his two addresses of record with the Commission, including P.O. Box 514, Gordonville, TX 76245.

17. Between February 12 and 15, 2008, Karen Reeves accepted delivery of the notice of hearing sent to P.O. Box 514, Gordonville, TX 76245.

18. The Chief Clerk also sent the notice of hearing to the ED and the Office of Public Interest Counsel (OPIC).

19. The notice of hearing included a copy of the EDPRP and contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.

20. The notice of hearing indicated in 12 pt. boldface type that if Mr. Reeves failed to appear at the hearing, a default judgment could be rendered against him in which all the allegations contained in the notice of hearing would be deemed admitted as true.

21. On March 13, 2008, ALJ Newchurch convened the hearing as indicated in the notice. The ED, represented by Patrick Jackson, appeared, but Mr. Reeves did not.

22. Prior to the hearing, neither Mr. Reeves nor anyone representing him filed a motion to continue the hearing or other communication to explain why he would not attend the hearing.

CONCLUSIONS OF LAW

1. Clarence A. Reeves is subject to the enforcement authority of the Commission pursuant to. Health & Safety Code § 341.049, because the violations alleged herein are within the Commission's general jurisdiction, pursuant to Water Code § 5.013, as they involve violations of the state's public water supply program.

2. Based on the above Findings of Fact, the Pleasant Ridge Facility is a public water system as defined in 30 TAC § 290.38(47).

3. Based on the above Findings of Fact, the Timber Creek Facility is a public water system as defined in 30 TAC § 290.38(47).

4. Under Health & Safety Code § 341.049, the Commission may assess an administrative penalty against any person who violates Subchapter C of Chapter 341 of the Health & Safety Code or of any rule or order adopted or issued thereunder.

5. Under Health & Safety Code § 341.049, the penalty may not be less than $50 or more than $1,000 per day for each violation of Health & Safety Code Chapter 341 Subchapter C or a rule or order adopted or issued thereunder.

6. As required by Health & Safety Code § 341.049 and the Commission's rules, Respondent was notified of the EDPRP and of the opportunity to request a hearing on the alleged violations, the penalties, and the corrective actions proposed therein.

7. As required by TEX. GOV'T CODE ANN. (Gov't Code) §§ 2001.051 and 2001.052, Health & Safety Code § 341.049, and the Commission's and SOAH's rules, Respondent was notified of the hearing on the alleged violations and the proposed penalties.

8. Additionally, Respondent was notified, in accordance with 1 TAC §155.55, that if he failed to appear at the hearing, a default judgment could be rendered against Respondent in which all the allegations contained in the notice of hearing would be deemed admitted as true.

9. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to Gov't Code ch. 2003.

10. Based on the above Findings of Fact and Conclusions of Law:

    a. A default judgment should be entered against Respondent in accordance with 1 TAC § 155.55 and 30 TAC § 70.106(b) and §80.113(d); and
    b. The allegations contained in the notice of the hearing, including those in the EDPRP attached thereto, are deemed admitted as true.

11. Based on the above Findings of Fact, Mr. Reeves has violated 30 TAC §§ 290.41(c)(1)(F); 290.41(c)(3)(N); 290.46(m)(1)(B); 290.43(d)(2); 290.46(m)(1)(A); 290.46(i); 290.45(b)(1)(C)(ii); 290.42(i); 290.41(c)(3)(J); 290.41(c)(3)(P); 290.110(b)(4);

290.41(c)(3)(K); 290.46(v); 290.46(f)(1); 290.46(n)(2); 290.42(k); 290.121; 290.46(n)(3); 290.46(m); 290.43(c); 290.45(b)(1)(C)(iii); 290.43(c)(7); and 290.45(b)(1)(B)(iii); and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision Nos. 2.a. through 2.h. and 3.a., 3.c., and 3.e.

12. In determining the amount of an administrative penalty, Health & Safety Code § 341.049(b) requires the Commission to consider several factors including:

    a. The nature, circumstances, extent, duration, and gravity of the prohibited act;
    b. The history and extent of previous violations by the violator;
    c. The violator's degree of culpability, good faith, and economic benefit gained through the violation;
    d. The amount necessary to deter future violations; and
    e. Any other matters that justice may require.

13. The Penalty Policy implements the provisions of Health & Safety Code § 341.049(b).

14. Based on the above Findings of Fact and Conclusions of Law, Mr. Reeves should pay an administrative penalty in the amount of $20,760.00 for the violations found above.

15. The Commission may order any person who violates any statute or rule within the commission's jurisdiction to take corrective action. Water Code § 7.073.

16. Based on the above Findings of Fact and Conclusions of Law, Mr. Reeves should take the corrective actions listed in the Ordering Provisions below to bring his Facilities into compliance with the Water Code, the Health and Safety Code, and the Commission's rules.

III. ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:

1. Within 30 days after the effective date of this Order, Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition shall pay an administrative penalty in the amount of $20,760 for the violations of 30 TAC §§ 290.41(c)(1)(F); 290.41(c)(3)(N); 290.46(m)(1)(B); 290.43(d)(2); 290.46(m)(1)(A); 290.46(i); 290.45(b)(1)(C)(ii); 290.42(i); 290.41(c)(3)(J); 290.41(c)(3)(P); 290.110(b)(4); 290.41(c)(3)(K); 290.46(v); 290.46(f)(1); 290.46(n)(2); 290.42(k); 290.121; 290.46(n)(3); 290.46(m); 290.43(c); 290.45(b)(1)(C)(iii); 290.43(c)(7); and 290.45(b)(1)(B)(iii); and Agreed Order, Docket No. 2001-0149-PWS-E, Ordering Provision Nos. 2.a. through 2.h. and 3.a., 3.c., and 3.e.

2. The payment of this administrative penalty and taking the corrective actions described below in this Order will completely resolve the violations set forth by this Order. However, the Commission shall not be constrained in any manner from requiring corrective actions or assessing penalties for other violations that are not raised here.

3. Checks rendered to pay penalties imposed by this Order shall be made out to "TCEQ." Administrative penalty payments shall be sent with the notation "Re: Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition, TCEQ DOCKET NO. 2005-1860-PWS-E" to:

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

4. Mr. Reeves shall implement the following corrective action measures at the Pleasant Ridge Facility:

a. Within 30 days after the effective date of this Order, Mr. Reeves shall:

i. Begin using hypochlorite solution that conforms to ANSI/NSF Standard for direct additives, in accordance with 30 TAC § 290.42(i);

ii. Conduct annual inspections of the ground storage tank and begin maintaining records of the inspections, in accordance with 30 TAC § 290.46(m)(1)(A);

iii. Conduct annual inspections of the pressure tanks and begin maintaining records of the inspections, in accordance with 30 TAC § 290.46(m)(1)(B);

iv. Equip the water system with a working well meter, in accordance with 30 TAC § 290.41(c)(3)(N);

v. Provide all weather road access to the well site, in accordance with 30 TAC § 290.41(c)(3)(P);

vi. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor unacceptable plumbing practices are permitted, in accordance with 30 TAC § 290.46(i);

vii. Begin maintaining a free chlorine residual of 0.2 mg/l in the far reaches of the distribution system, in accordance with 30 TAC § 290.110(b)(4);

viii. Seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound, in accordance with 30 TAC § 290.41(c)(3)(K);

ix. Install all water system electrical wiring in compliance with a local or national electrical code, in accordance with 30 TAC § 290.46(v);

x. Begin maintaining the public water system's operating records, in accordance with 30 TAC § 290.46(f)(1);

xi Provide a map of the distribution system so that valves and mains are easily located during emergencies, in accordance with 30 TAC § 290.46(n)(2);

xii. Maintain an accurate and up-to-date chemical and microbiological monitoring plan, in accordance with 30 TAC § 290.121;

xiii. Provide well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sample results and a chemical analysis report of a representative sample of water from the well, in accordance with 30 TAC § 290.46(n)(3);

xiv. Provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection, in accordance with 30 TAC § 290.45(b)(1)(C)(iii);

xv. Ensure maintenance and good housekeeping practices to system's facilities, specifically remove the standing water and trash from the pump station, in accordance with 30 TEX. ADMIN CODE § 290.46(m); and

xvi. Provide a ladder for the ground storage tank, in accordance with 30 TAC § 290.43(c).

b. Within 45 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 4.a.

c. Within 60 days after the effective date of this Order, Mr. Reeves shall:

i. Replace the concrete sealing block around the well and ensure that the block complies with 30 TAC § 290.41(c)(3)(J);

ii. Equip the pressure tanks with a pressure release device and an easily readable pressure gauge, in accordance with 30 TAC § 290.43(d)(2); and

iii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TAC § 290.42(k).

d. Within 75 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 4.c.

e. Within 90 days after the effective date of this Order, Mr. Reeves shall secure a sanitary easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county courthouse, in accordance with 30 TAC § 290.41(c)(1)(F).

f. Within 105 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 4.e.

g. Within 120 days after the effective date of this Order, Mr. Reeves shall provide a total storage capacity of 200 gallons per connection, in accordance with 30 TAC § 290.45(b)(1)(C)(ii); and

h. Within 135 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 4.g.

5. Mr. Reeves shall undertake the following technical requirements for the Timber Creek Facility:

a. Within 30 days after the effective date of this Order, Mr. Reeves shall:

i. Begin using a hypochlorite solution that conforms to ANSI/NSF Standard for direct additives, in accordance with 30 TEX ADMIN. CODE § 290.42(i);

ii Conduct annual inspections of the ground storage tank and begin maintaining records of the inspection, in accordance with 30 TAC § 290.46(m)(1)(A);

iii. Conduct annual inspections of the pressure tanks and begin maintaining records of the inspection, in accordance with 30 TAC § 290.46(m)(1)(B);

iv. Equip the water system with a working well meter, in accordance with 30 TAC § 290.41(c)(3)(N);

v. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor unacceptable plumbing practices are permitted, in accordance with 30 TAC § 290.46(i);

vi. Seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound, in accordance with 30 TAC § 290.41(c)(3)(K);

vii. Install all water system electrical wiring in compliance with a local or national electrical code, in accordance with 30 TAC § 290.46(v);

viii. Begin maintaining the public water system's operating records, in accordance with 30 TAC § 290.46(f)(1);

ix. Provide a map of the distribution system so that valves and mains are easily located during emergencies, in accordance with 30 TAC § 290.46(n)(2);

x. Maintain an accurate and up-to-date chemical and microbiological monitoring plan, in accordance with 30 TAC § 290.121;

xi. Provide well completion data such as well material setting data, geological log, sealing information, disinfection information, microbiological sample

results and a chemical analysis report of a representative sample of water from the well, in accordance with 30 TAC § 290.46(n)(3);

xii. Equip the pressure tanks with a pressure release device, in accordance with 30 TAC § 290.43(d)(2);

xiii. Provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection, in accordance with 30 TAC § 290.45(b)(1)(C)(iii);

xiv. Ensure maintenance and good housekeeping practices to system's facilities; specifically remove the overgrown weeds, trash and debris from the pump station, in accordance with 30 TAC § 290.46(m);

xv. Provide all weather road access to the well site, in accordance with 30 TAC § 290.41(c)(3)(P);

xvi. Equip the ground storage tank with an adequate drain, in accordance with 30 TAC § 290.43(c)(7); and

xvii. Provide a ladder for the ground storage tank, in accordance with 30 TAC § 290.43(c).

b. Within 45 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 5.a..

c. Within 60 days after the effective date of this Order, Mr. Reeves shall:

i. Replace the concrete sealing block around the well and ensure the block is in compliance with 30 TAC § 290.41(c)(3)(J);

ii. Equip the pressure tanks with a pressure release device, in compliance with 30 TAC § 290.43(d)(2); and

iii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, as required by 30 TAC § 290.42(k).

d. Within 75 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 5.c.

e. Within 90 days after the effective date of this Order, Mr. Reeves shall secure a sanitary easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 TAC § 290.41(c)(1)(F).

f. Within 105 days after the effective date of this Order, Mr. Reeves shall submit certification of compliance with Ordering Provision 5.e.

g. The certifications required by this Order 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 fine 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

and

Sid Slocum, Water Section Manager
Dallas-Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Mr. Reeves if the Executive Director determines that Mr. Reeves has not complied with one or more of the terms or conditions in this Order.

7. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

8. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and Gov't Code § 2001.144.

9. As required by Water Code § 7.059, the Commission's Chief Clerk shall forward a copy of this Order to Mr. Reeves.

10. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

Buddy Garcia, Chairman
For the Commission