

Howard C. Bigham, Jr.
 RN101246262 & RN108305152
 Docket No. 2019-1669-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

2116 Tuscola Avenue, Snyder, Scurry County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:	April 29, 2022
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$7,498
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Total Paid to General Revenue:	\$7,498
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Total Due to General Revenue:	\$0
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Compliance History Classifications:

Person/CN - UNCLASSIFIED
 Site/RNs - N/A (RN101246262 and RN108305152)

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

Complaint Date(s):	N/A
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Date(s) of Investigation:	September 26, 2019; November 13, 2019; November 18, 2019
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Date(s) of NOV(s):	N/A
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Date(s) of NOE(s):	November 8, 2019; November 27, 2019
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Violation Information

1. Failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv) and (f)(3)(D)(ii), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.viii].
2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.ix].
3. Failed to create a nitrification action plan (“NAP”) for a system distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.x].
4. Failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE § 290.39(l), prior to blending water containing chloramines and water containing free chlorine [30 TEX. ADMIN. CODE § 290.42(e)(3)(G) and TCEQ Agreed Order Docket No. 2017-0571-PWS, Ordering Provision No. 2.d.ii].
5. Failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iv)].
6. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
7. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].
8. Failed to obtain sanitary control easements for all land within 150 feet of the Facility’s two wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
9. Failed to calibrate the Facility’s two well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
10. Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].
11. Failed to ensure that the discharge opening of the overflow is covered with a gravity-hinged and weighted cover which fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
12. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system’s facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
13. Failed to use a water works operator who holds a Class “D” or higher license [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
14. Failed to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].
15. Failed to obtain approval from the Executive Director prior to supplying drinking water distributed by a tanker truck or trailer to persons served by the Facility [30 TEX. ADMIN. CODE § 290.44(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provisions Nos. 2.f. and 2.h.].
16. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.d.i.].

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17. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.i.].
18. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 for each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provisions Nos. 2.a.vii. and 2.b.ii.].
19. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.vi.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Increased the disinfectant residual in the Facility’s distribution system to 0.91 mg/L on September 27, 2019 (Violation No. 14).

Technical Requirements:

1. Within 30 days:
 - a. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper tap samples, having the samples analyzed, and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period. This provision will be satisfied upon two consecutive compliant six-month monitoring periods (Violation No. 17).
 - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of the monitoring period (Violation No. 17).
 - c. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs (Violation No. 16).
 - d. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2016 through June 30, 2016 monitoring period, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements (Violation No. 19).
 - e. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers (Violation No. 18).
 - f. Develop and maintain monthly water works operation and maintenance records, including records of the amount of each chemical used each week, the amount of water treated each week, the disinfectant residual monitoring results from the distribution system, the calibration records of a manual disinfectant residual analyzer, the results of inspections of all the Facility’s water storage and pressure tanks, and the dates that dead-end mains were flushed (Violations Nos. 1 and 5).
 - g. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted (Violation No. 2).

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- h. Create a NAP for the Facility (Violation No. 3).
 - i. Calibrate the Facility's two well meters (Violation No. 9).
 - j. Provide a cover for the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants (Violation No. 10).
 - k. Ensure the discharge opening of the overflow is covered with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch (Violation No. 11).
 - l. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including removing overgrown weeds and vegetation around the Facility's ground storage tank (Violation No. 12).
 - m. Begin using a water works operator who holds a Class "D" or higher license (Violation No. 13).
2. Within 45 days:
 - a. Submit written certification to demonstrate compliance for Technical Requirements Nos. 1b. through 1m.
 - b. Submit to the Commission a copy of the CCR provided to customers of the Facility, together with the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data (Violation No. 18).
 3. Within 60 days:
 - a. Submit written certification to demonstrate compliance for Technical Requirement No. 2b.
 - b. Develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, including a schematic of the plant and distribution system map with all sample sites indicated (Violation No. 6).
 4. Within 75 days, submit written certification to demonstrate compliance for Technical Requirement No. 3b.
 5. Within 90 days:
 - a. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon one quarter of compliant reporting (Violation No. 16).
 - b. Obtain an exception from the Executive Director for blending water containing chloramines and water containing free chlorine as required by 30 TEX. ADMIN. CODE § 290.39(l) (Violation No. 4).
 - c. Compile and keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) (Violation No. 7).
 - d. Obtain sanitary control easements for all land within 150 feet of the Facility's two wells or obtain an exception from the Executive Director for sanitary control easements (Violation No. 8).
 6. Within 105 days, submit written certification to demonstrate compliance for Technical Requirements Nos. 5b. through 5d.
 7. Within 180 days, submit accurate, up-to-date, and detailed plans, specifications, and engineering reports prepared under the direction of a Texas licensed professional engineer for review and approval of a water hauling trailer utilized by the Facility. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning required documentation within 15 days after the date of such requests, or by any other deadline specified in writing (Violation No. 15).

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8. Within 195 days, submit written certification to demonstrate compliance for Technical Requirements Nos. 5a. and 7.
9. Within 270 days, obtain approval from the Executive Director for using a water hauling trailer (Violation No. 15).
10. Within 285 days, submit written certification to demonstrate compliance for Technical Requirement No. 9.
11. Within 410 days, submit written certification to demonstrate compliance for Technical Requirement No. 1.a.

Litigation Information

Date Petition(s) Filed: November 2, 2021

Date Green Card(s) Signed: November 4, 2021

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement, (210) 403-4077

TCEQ Regional Contact: Michael Taylor, P.G., Abilene Regional Office, (325) 698-9674

Respondent Contact: Howard C. Bigham, Jr., 2116 Tuscola Avenue, Snyder, Texas 79549

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	12-Nov-2019	Screening	15-Nov-2019	EPA Due	
	PCW	22-Sep-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)		
Reg. Ent. Ref. No.	RN101246262		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48072	No. of Violations	4
Docket No.	2019-1669-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$160
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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.

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$40
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Notes	Enhancement for one agreed order without a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$108	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$585	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$237
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$237
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Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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	1	25%
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%
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) 25%

>> Repeat Violator (Subtotal 3)

N/A

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 agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv), and (f)(3)(D)(ii) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.viii

Violation Description Failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the following records were not being maintained: the amount of each chemical used each week, the amount of water treated each week, the disinfectant residual monitoring results from the distribution system, the calibration records of the manual disinfectant analyzer, and the results of inspections for all water storage and pressure maintenance facilities.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1.0%"/>

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is 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="checkbox"/>	<input type="checkbox"/>

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 Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	4-May-2018	1-Jan-2022	3.67	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by Agency personnel, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$8

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.46(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.ix
Violation Description	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.
Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual			Percent 0.0%
	Potential			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$950

\$50

Violation Events

Number of Violation Events: 1 560 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$33	Violation Final Penalty Total \$63
This violation Final Assessed Penalty (adjusted for limits) \$63	

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	4-May-2018	1-Jan-2022	3.67	\$33	n/a	\$33
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 adopt an adequate plumbing ordinance or service agreement, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

	\$180
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TOTAL

	\$33
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Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW		
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	48072	<i>PCW Revision March 26, 2014</i>				
Reg. Ent. Reference No.	RN101246262					
Media	Public Water Supply					
Enf. Coordinator	Yuliya Dunaway					
Violation Number	3					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(z) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.x					
Violation Description	Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water.					
				Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
		x			Percent	5.0%
Matrix Notes	100% of the rule requirements were not met.					
				Adjustment	\$950	
					\$50	
Violation Events						
	Number of Violation Events	1	560	Number of violation days		
	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				
				Violation Base Penalty	\$50	
One single event is recommended.						
Good Faith Efforts to Comply		0.0%			Reduction	\$0
	<small>Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer</small>					
	Extraordinary					
	Ordinary					
	N/A	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	\$33	Violation Final Penalty Total	\$63		
				This violation Final Assessed Penalty (adjusted for limits)	\$63	

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	4-May-2018	1-Jan-2022	3.67	\$33	n/a	\$33
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 create a NAP for the Facility, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$33

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirements were not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before 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"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 1)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	4-May-2018	1-Mar-2022	3.83	\$34	n/a	\$34

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain an exception to blend water containing chloramines and water containing free chlorine, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$34



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

TCEQ

DATES	Assigned	12-Nov-2019	Screening	15-Nov-2019	EPA Due	
	PCW	22-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Reg. Ent. Ref. No.	RN101246262
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48072	No. of Violations	10
Docket No.	2019-1669-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,450
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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.

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$1,112
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Notes	Enhancement for one agreed order without a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$460	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$1,277	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	6.0% Adjustment	\$332
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement recommended for the recovery of avoided costs of compliance for Violation Nos. 5, 9 and 10.
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Final Penalty Amount	\$5,832
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,832
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$5,832
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Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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	1	25%
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%
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) 25%

>> Repeat Violator (Subtotal 3)

N/A

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 agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="1.0%"/>
Matrix Notes	<input type="text" value="Less than 30% of the rule requirements were not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before 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"/>	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the Economic Benefit Worksheet for Violation No. 1 of Penalty Calculation Worksheet No. 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b)
Violation Description	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the system did not have a schematic of the plant and distribution system map with all sample sites indicated.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$21 **Violation Final Penalty Total** \$66

This violation Final Assessed Penalty (adjusted for limits) \$66

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	26-Sep-2019	1-Feb-2022	2.35	\$21	n/a	\$21

Notes for DELAYED costs

The delayed costs include the estimated amount to update and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$21

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW		
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			Policy Revision 4 (April 2014)		
Case ID No.	48072			PCW Revision September 1, 2019		
Reg. Ent. Reference No.	RN101246262					
Media	Public Water Supply					
Enf. Coordinator	Yuliya Dunaway					
Violation Number	3					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(3)					
Violation Description	Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, well completion data for Well Nos. 1 and 2 were not available for review.					
		Base Penalty	\$5,000			
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major	Moderate	Minor		
	Actual					
Potential				Percent	0.0%	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
		x			Percent	5.0%
Matrix Notes	100% of the rule requirements were not met.					
		Adjustment	\$4,750			
			\$250			
Violation Events						
	Number of Violation Events	1	50	Number of violation days		
	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x			Violation Base Penalty	\$250
	One single event is recommended.					
Good Faith Efforts to Comply						
	0.0%			Reduction	\$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary					
	Ordinary					
	N/A	x				
	Notes	The Respondent does not meet the good faith criteria for this violation.				
		Violation Subtotal	\$250			
Economic Benefit (EB) for this violation						
Statutory Limit Test						
	Estimated EB Amount	\$22	Violation Final Penalty Total	\$331		
	This violation Final Assessed Penalty (adjusted for limits)			\$331		

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	26-Sep-2019	1-Mar-2022	2.43	\$22	n/a	\$22
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 keep on file copies of well completion data at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$22

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	4
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)
Violation Description	Failed to obtain sanitary control easements for all land within 150 feet of the Facility's two wells.
Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to have sanitary control easements in place could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.				
Adjustment	\$4,850				

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="50"/>	Number of violation days
	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	Violation Base Penalty \$300

Two single events are recommended (one per well).

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

	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	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	<input type="text" value="\$6"/>	Violation Final Penalty Total	<input type="text" value="\$398"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$398"/>	

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	26-Sep-2019	1-Mar-2022	2.43	\$6	n/a	\$6

Notes for DELAYED costs

The delayed costs include the estimated amount to obtain and record sanitary control easements for the Facility's two wells (\$25 per easement) or obtain an exception to the requirement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$6

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	5
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)
Violation Description	Failed to calibrate the Facility's two well meters at least once every three years.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0.0%"/>
Failure to calibrate the well meters could result in the operator obtaining inaccurate well production data, resulting in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended (one per well meter), calculated from the date of the investigation, September 26, 2019, to the date of screening, November 15, 2019.

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	x	<input type="text"/>

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 Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

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

Avoided Costs

ANNUALIZE 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	\$20	26-Sep-2016	15-Nov-2019	3.14	\$5	\$63	\$68
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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 properly calibrate the two functional well meters (\$31 per meter every three years x two well meters, annualized), calculated from three years prior to the date of the investigation to the date of screening.							

Approx. Cost of Compliance \$63

TOTAL \$68

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to cover the hypochlorination solution container could cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$150"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input type="text"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input checked="" type="text" value="x"/>	

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"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	26-Sep-2019	1-Jan-2022	2.27	\$1	\$23	\$24
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a cover for the hypochlorination solution container, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$24

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to provide an overflow cover that fits tightly with no gap over 1/16 inch for the Facility's ground storage tank could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health."/>				
	Adjustment				<input type="text" value="\$4,750"/>

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>
weekly	<input type="text"/>	
monthly	<input type="text"/>	
quarterly	<input checked="" type="text" value="x"/>	
semiannual	<input type="text"/>	
annual	<input type="text"/>	
single event	<input type="text"/>	

Good Faith Efforts to Comply Reduction

		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
Notes	<input type="text" value="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 Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	26-Sep-2019	1-Jan-2022	2.27	\$2	\$30	\$32
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 ensure that the Facility's ground storage tank overflow is covered with an adequate cover (\$200 per tank), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$32

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW															
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			Policy Revision 4 (April 2014)															
Case ID No.	48072			PCW Revision September 1, 2019															
Reg. Ent. Reference No.	RN101246262																		
Media	Public Water Supply																		
Enf. Coordinator	Yuliya Dunaway																		
Violation Number	8																		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)																		
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, overgrown weeds or vegetation were noted climbing a fence near the Facility's ground storage tank.																		
		Base Penalty	\$5,000																
>> Environmental, Property and Human Health Matrix																			
OR		Harm																	
	Release	Major	Moderate	Minor															
	Actual																		
	Potential			x	Percent 3.0%														
>> Programmatic Matrix																			
	Falsification	Major	Moderate	Minor															
					Percent 0.0%														
Matrix Notes	Failure to ensure the good working condition and general appearance of the Facility could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.																		
		Adjustment	\$4,850																
			\$150																
Violation Events																			
	Number of Violation Events	1	50	Number of violation days															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">weekly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">annual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center;">single event</td><td style="border: 1px solid black; text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x			Violation Base Penalty	\$150
daily																			
weekly																			
monthly																			
quarterly																			
semiannual																			
annual																			
single event	x																		
	One single event is recommended.																		
Good Faith Efforts to Comply																			
	0.0%		Reduction	\$0															
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																	
	Extraordinary																		
	Ordinary																		
	N/A	x																	
Notes	The Respondent does not meet the good faith criteria for this violation.																		
		Violation Subtotal	\$150																
Economic Benefit (EB) for this violation																			
	Estimated EB Amount	\$23	Violation Final Penalty Total	\$199															
	This violation Final Assessed Penalty (adjusted for limits)			\$199															

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	26-Sep-2019	1-Jan-2022	2.27	\$23	n/a	\$23

Notes for DELAYED costs

The delayed costs include the estimated amount to remove overgrown grass and weeds, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$23

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)			
Violation Description	Failed to use a water works operator who holds a Class "D" or higher license. Specifically, the operator's Class "B" license expired May 21, 2017.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to use an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 10 908 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Ten quarterly events are recommended, calculated from the date the operator's license expired May 21, 2017, to the date of screening, November 15, 2019.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164 **Violation Final Penalty Total** \$3,314

This violation Final Assessed Penalty (adjusted for limits) \$3,314

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$62	21-May-2017	15-Nov-2019	2.49	\$10	\$154	\$164
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to ensure that the system operator has obtained an applicable water works operator license (\$111 test fee plus \$75 training cost every three years, annualized), calculated from the date the operator's license expired to the date of screening.

Approx. Cost of Compliance

\$154

TOTAL

\$164

Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW			
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	48072	<i>PCW Revision September 1, 2019</i>					
Reg. Ent. Reference No.	RN101246262						
Media	Public Water Supply						
Enf. Coordinator	Yuliya Dunaway						
Violation Number	10						
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)						
Violation Description	Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, the total chlorine residual concentration of the field sample collected at 2417 Waco Avenue (Lot 8) measured 0.18 mg/L.						
				Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix							
OR	Harm						
	Release	Major	Moderate	Minor			
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>			
	Potential	<input type="text"/>	x	<input type="text"/>	Percent	5.0%	
>> Programmatic Matrix							
		Falsification	Major	Moderate	Minor		
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	0.0%
Matrix Notes	Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.						
				Adjustment	\$4,750		
						\$250	
Violation Events							
Number of Violation Events		1		Number of violation days		1	
	daily	<input type="text"/>					
	weekly	<input type="text"/>					
	monthly	<input type="text"/>					
	quarterly	<input type="text"/>					
	semiannual	<input type="text"/>					
	annual	<input type="text"/>					
	single event	x				Violation Base Penalty	\$250
		One single event is recommended.					
Good Faith Efforts to Comply		25.0%		Reduction		\$62	
		<small>Before NOE/NOV</small>		<small>NOE/NOV to EDPRP/Settlement Offer</small>			
	Extraordinary	<input type="text"/>		<input type="text"/>			
	Ordinary	x		<input type="text"/>			
	N/A	<input type="text"/>		<input type="text"/>			
Notes	The Respondent achieved compliance on September 27, 2019.						
				Violation Subtotal	\$188		
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		\$100		Violation Final Penalty Total		\$266	
				This violation Final Assessed Penalty (adjusted for limits)			
				\$266			

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 2)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	26-Sep-2019	26-Sep-2019	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs The avoided costs include the estimated amount for additional maintenance and oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system, calculated for the date the low disinfectant residual was documented.							

Approx. Cost of Compliance	\$100	TOTAL	\$100
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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	12-Nov-2019	Screening	15-Nov-2019	EPA Due	
	PCW	22-Sep-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Howard C. Bigham, Jr. (Howard Bigham Water Hauler- PCW 3)		
Reg. Ent. Ref. No.	RN108305152		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48072	No. of Violations	1
Docket No.	2019-1669-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50
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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.

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$12
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Notes	Enhancement for one agreed order without a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$749	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$62
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$62
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$62
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$62
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Screening Date	15-Nov-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Howard Bigham Water Hauler- PCW 3)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN108305152			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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	1	25%
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%
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) 25%

>> Repeat Violator (Subtotal 3)

N/A

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 agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 15-Nov-2019 **Docket No.** 2019-1669-PWS-E **PCW**
Respondent Howard C. Bigham, Jr. (Howard Bigham Water Hauler- PCW 3) *Policy Revision 4 (April 2014)*
Case ID No. 48072 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN108305152
Media Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.44(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision Nos. 2.f and 2.h
Violation Description
 Failed to obtain an approval from the Executive Director prior to supplying drinking water distributed by a tanker truck or trailer to persons served by the Facility. Specifically, the Facility was utilizing an unauthorized water hauling trailer, purchasing water from the City of Snyder and delivering it to the Facility's ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%
100% of the rule requirements were not met.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 560 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$749 **Violation Final Penalty Total** \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Howard Bigham Water Hauler- PCW 3)
Case ID No. 48072
Reg. Ent. Reference No. RN108305152
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	4-May-2018	1-May-2021	2.99	\$749	n/a	\$749

Notes for DELAYED costs

The delayed costs include the estimated amount to submit plans and specifications and obtain an approval from the Executive Director for a water hauler utilized by the Facility, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$749
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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Dec-2019	Screening	16-Dec-2019	EPA Due	30-Sep-2019
	PCW	22-Sep-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)		
Reg. Ent. Ref. No.	RN101246262		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48072	No. of Violations	4
Docket No.	2019-1669-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$700
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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.

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$175
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Notes: Enhancement for one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$553
 Estimated Cost of Compliance: \$833
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	56.2% Adjustment	\$492
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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 Violations Nos. 1, 2 and 3.

Final Penalty Amount	\$1,367
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,367
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,367
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Screening Date	16-Dec-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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	1	25%
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%
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) 25%

>> Repeat Violator (Subtotal 3)

N/A

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 agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	16-Dec-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.d.i			
Violation Description	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2018 through the second quarter of 2019.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$950

\$50

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

Five single events are recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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 Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	4-May-2018	1-Jan-2022	3.67	\$8	n/a	\$8
Training/Sampling	\$100	4-May-2018	1-Jan-2022	3.67	\$18	n/a	\$18
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 record keeping and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$113	10-Jul-2019	16-Dec-2019	0.44	\$2	\$113	\$115
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x five reports, plus \$3 for interest that began accruing from the due date of the earliest monitoring period), calculated from the date the report was due for the second quarter of 2019 to the date of screening.

Approx. Cost of Compliance	\$258	TOTAL	\$141
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Screening Date	16-Dec-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text" value="x"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	4-May-2018	1-Jan-2022	3.67	\$18	n/a	\$18
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 training/sampling costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$150	31-Dec-2018	16-Dec-2019	0.96	\$7	\$150	\$157
Other (as needed)	\$150	30-Jun-2019	16-Dec-2019	0.46	\$3	\$150	\$153

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x five required samples x one monitoring period each), calculated from the date sampling was required to the date of screening.

Approx. Cost of Compliance \$400

TOTAL \$328

Screening Date	16-Dec-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	3
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision Nos. 2.a.vii and 2.b.ii
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ for the years 2017 and 2018.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	100% of the rule requirements were not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

Violation Base Penalty

Two single 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	x	<input type="text"/>

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 Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$62	1-Jul-2019	1-Jan-2022	2.51	\$8	n/a	\$8

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ ((\$0.50 x 24 connections plus a flat fee of \$50), calculated from the 2018 CCR due date to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$62	1-Jul-2018	16-Dec-2019	1.46	\$5	\$62	\$67
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to prepare and mail or directly deliver the 2017 CCR to the customers of the Facility and to the TCEQ ((\$0.50 x 24 connections plus a flat fee of \$50), calculated from the 2017 CCR due date to the date of screening.

Approx. Cost of Compliance

\$124

TOTAL

\$75

Screening Date	16-Dec-2019	Docket No.	2019-1669-PWS-E	PCW
Respondent	Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48072			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101246262			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirements were not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before 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"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Howard C. Bigham, Jr. (Key Mobile Home Park, PCW No. 4)
Case ID No. 48072
Reg. Ent. Reference No. RN101246262
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$51	4-May-2018	1-Jan-2022	3.67	\$9	n/a	\$9

Notes for DELAYED costs

The delayed costs include the estimated amount to prepare and mail the consumer notification to persons served at the locations that were sampled and to the TCEQ [(((\$0.50 x two sampled locations) + \$50) x one monitoring period), calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0571-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$51

TOTAL \$9

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Compliance History Report

Compliance History Report for CN600682397, RN101246262, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600682397, Howard C. Bigham Jr. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101246262, KEY MOBILE HOME PARK **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 2116 TUSCOLA AVE, SNYDER, SCURRY COUNTY, TX

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
 2080007

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 22, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 22, 2016 to September 22, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Yuliya Dunaway **Phone:** (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 05/04/2018 ADMINORDER 2017-0571-PWS-E (Findings Order-Agreed Order Without Denial)
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 Rqmt Prov: Provision No. 2.a. ORDER
 Description: Failure to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the following records were not being maintained: the amount of water treated each week. Failure to comply with Agreed Commission Order Docket No. 2015-0103-PWS-E.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
 Rqmt Prov: Provision No. 2.a. ORDER
 Description: Failure to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the following records were not being maintained: records of the amount of chemicals used each week. Failure to comply with Agreed Commission Order Docket No. 2015-0103-PWS-E.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 Rqmt Prov: Provision No. 2.a. ORDER
 Description: Failure to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the following records were not being maintained: disinfectant residuals at representative locations in the distribution system at least once every seven days. Failure to comply with Agreed Commission Order Docket No. 2015-0103-PWS-E.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the results of inspections of all the Facility's pressure tanks were not being maintained.

Classification: Minor

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

Description: Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failure to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the calibration records of a manual disinfectant analyzer.

Classification: Moderate

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

Description: Failure to create a nitrification action plan ("NAP") for a system distributing chloraminated water.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)

Description: Failure to obtain an exception, in accordance with 30 Tex. Admin. Code § 290.39(l), prior to blending water containing chloramines and water containing free chlorine. Specifically, the Facility purchases water containing chloramines from the City of Snyder and blends it with hypochlorinated water in the ground storage tank on an as-needed basis.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on December 1, 2016, a field sample collected from the distribution system at 2397 Waco Avenue measured a total chlorine residual of 0.38 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E ORDER

Description: DLQOR MR 4Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E/Ordering Provision 2dii ORDER

Description: DLQOR MR 3Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.ii. ORDER

Description: DLQOR MR 2Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.ii. ORDER

Description: DLQOR MR 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.ii. ORDER

Description: DLQOR MR 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2015 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.ii. ORDER

Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2015 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.i. ORDER

Description: LCR RT MR 2nd 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2016 to 12/31/2016 within the required timeline.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.i. ORDER

Description: LCR RT MR 1st 6M2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2016 to 06/30/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Rqmt Prov: 2013-2230-PWS-E/OP No. 2.d.i. ORDER

Description: LCR RD MR YR2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2016 to 06/30/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2016 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 disinfectant monitoring and reporting violation during the second quarter of 2016.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2016 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 disinfectant monitoring and reporting violation during the first quarter of 2016.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 4Q2015 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 disinfectant monitoring and reporting violation during the fourth quarter of 2015.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2015 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 disinfectant monitoring and reporting violation during the third quarter of 2015.

Classification: Moderate

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

Description: DLQOR MR PN 1Q2015 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 disinfectant monitoring and reporting violation during the first quarter of 2015.

Classification: Moderate

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

Description: LCR RD MR PN YR2015 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

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

Description: LCR RT MR PN 1st 6M2016 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2016 to 06/30/2016.

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.

N/A

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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Compliance History Report

Compliance History Report for CN600682397, RN108305152, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600682397, Howard C. Bigam Jr. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN108305152, HOWARD BIGHAM WATER HAULER **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 2116 TUSCOLA AVE, SNYDER, SCURRY COUNTY, TX

TCEQ Region: REGION 03 - ABILENE

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
 2080025

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 22, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 22, 2016 to September 22, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Yuliya Dunaway **Phone:** (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

- 1 Effective Date: 05/04/2018 ADMINORDER 2017-0571-PWS-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(i)
 Rqmt Prov: 2015-0103-PWS-E ORDER
 Description: Failure to obtain an approval from the Executive Director prior to supplying drinking water distributed by a tanker truck or trailer to persons served by the Facility. Specifically, the Facility was utilizing an unauthorized water hauling trailer, purchasing water from the City of Snyder and delivering it to the Facility's ground storage tank. Failure to comply with Agreed Commission Order Docket No. 2015-0103-PWS-E.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 23, 2017 (1382374)

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.

N/A

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/22/2016 and 9/22/2021

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period September 22, 2016 and September 22, 2021

(1382374)

Item 1*

January 23, 2017**

For Informational Purposes Only

(1583021)

Item 2

November 08, 2019**

For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
HOWARD C. BIGHAM, JR.;
RN101246262 & RN108305152

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-1669-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Howard C. Bigham, Jr. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Order are binding upon Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 2116 Tuscola Avenue near Snyder, Scurry County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 24 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted on and around September 26, 2019, an investigator documented that Respondent:
 - a. Failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, the following records were not being maintained: the amount of each chemical used each week, the amount of water treated each week, the disinfectant residual monitoring results from the distribution system, the calibration records of the manual disinfectant analyzer, and the results of inspections for all water storage and pressure maintenance facilities;
 - b. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;
 - c. Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water;

- d. Failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE § 290.39(l), prior to blending water containing chloramines and water containing free chlorine. Specifically, the Facility purchases water containing chloramines from the City of Snyder and blends it with hypochlorinated water in the ground storage tank on an as-needed basis;
 - e. Failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request. Specifically, records of the dates that dead-end mains were flushed were not available for review;
 - f. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the system did not have a schematic of the plant and distribution system map with all sample sites indicated;
 - g. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, well completion data for Well Nos. 1 and 2 were not available for review;
 - h. Failed to obtain sanitary control easements for all land within 150 feet of the Facility's two wells;
 - i. Failed to calibrate the Facility's two well meters at least once every three years;
 - j. Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants. Specifically, the sodium hypochlorite solution container did not have a cover;
 - k. Failed to ensure that the discharge opening of the overflow is covered with a gravity-hinged and weighted cover which fits tightly with no gap over 1/16 inch. Specifically, the overflow cover on the discharge opening of the ground storage tank did not close so that the gap was less than 1/16 inch;
 - l. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, overgrown weeds or vegetation were noted climbing a fence near the Facility's ground storage tank;
 - m. Failed to use a water works operator who holds a Class "D" or higher license. Specifically, the operator's Class "B" license expired March 21, 2017;
 - n. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, the total chlorine residual concentration of the field sample collected at 2417 Waco Avenue (Lot 8) measured 0.18 mg/L; and
 - o. Failed to obtain approval from the Executive Director prior to supplying drinking water distributed by a tanker truck or trailer to persons served by the Facility. Specifically, the Facility was utilizing an unauthorized water hauling trailer, purchasing water from the City of Snyder and delivering it to the Facility's ground storage tank.
3. During record reviews conducted on and around November 13 and 18, 2019, TCEQ staff documented that Respondent:
 - a. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2018 through the second quarter of 2019;

- b. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2018 through December 31, 2018 and January 1, 2019 through June 30, 2019 monitoring periods;
 - c. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 for each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ for the years 2017 and 2018; and
 - d. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 through June 30, 2016 monitoring period.
4. The Executive Director recognizes that Respondent increased the disinfectant residual in the Facility’s distribution system to 0.91 mg/L on September 27, 2019 (Conclusion of Law No. 15).

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 maintain water works operation and maintenance records and make them readily available to Commission personnel upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(B)(iii), (f)(3)(B)(iv) and (f)(3)(D)(ii), and TCEQ Agreed Order Docket 2017-0571-PWS-E, Ordering Provision No. 2.a.viii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.ix.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to create a NAP for a system distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.x.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to obtain an exception, in accordance with 30 TEX. ADMIN. CODE § 290.39(l), prior to blending water containing chloramines and water containing free chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(G) and TCEQ Agreed Order Docket No. 2017-0571-PWS, Ordering Provision No. 2.d.ii.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to maintain water works operation and maintenance records and make them readily available to Commission personnel upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iv).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

8. As evidenced by Finding of Fact No. 2.g., Respondent failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to obtain sanitary control easements for all land within 150 feet of the Facility's two wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to calibrate the Facility's two well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to ensure that the discharge opening of the overflow is covered with a gravity-hinged and weighted cover which fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to use a water works operator who holds a Class "D" or higher license, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4).
16. As evidenced by Finding of Fact No. 2.o., Respondent failed to obtain approval from the Executive Director prior to supplying drinking water distributed by a tanker truck or trailer to persons served by the Facility, in violation of 30 TEX. ADMIN. CODE § 290.44(i) and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provisions Nos. 2.f. and 2.h.
17. As evidenced by Finding of Fact No. 3.a., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.d.i.
18. As evidenced by Finding of Fact No. 3.b., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.i.
19. As evidenced by Finding of Fact No. 3.c., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c), and TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provisions Nos. 2.a.vii. and 2.b.ii.
20. As evidenced by Finding of Fact No. 3.d., Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been

distributed in a manner consistent with TCEQ requirements, in violation of TCEQ Agreed Order Docket No. 2017-0571-PWS-E, Ordering Provision No. 2.a.vi.

21. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
22. An administrative penalty in the amount of seven thousand four hundred ninety-eight dollars (\$7,498.00) 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). Respondent paid seven thousand four hundred ninety-eight dollars (\$7,498.00) of the penalty.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 22 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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 not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper tap samples, having the samples analyzed, and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon two consecutive compliant six-month monitoring periods (Conclusion of Law No. 18);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117 (Conclusion of Law No. 18);
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 17);
 - iv. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2016 through June 30, 2016 monitoring period, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117 (Conclusion of Law No. 20);
 - v. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274 (Conclusion of Law No. 19);

- vi. Develop and maintain monthly water works operation and maintenance records, including records of the amount of each chemical used each week, the amount of water treated each week, the disinfectant residual monitoring results from the distribution system, the calibration records of a manual disinfectant residual analyzer, the results of inspections of all the Facility's water storage and pressure tanks, and the dates that dead-end mains were flushed, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusions of Law Nos. 2 and 6);
 - vii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 3);
 - viii. Create a NAP for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4);
 - ix. Calibrate the Facility's two well meters, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 10);
 - x. Provide a cover for the hypochlorination solution container to prevent the entrance of dust, insects, and other contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 11);
 - xi. Ensure the discharge opening of the overflow is covered with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43 (Conclusion of Law No. 12);
 - xii. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including removing overgrown weeds and vegetation around the Facility's ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 13); and
 - xiii. Begin using a water works operator who holds a Class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 14).
- b. Within 45 days after the effective date of this Order:
- i. Submit written certification, in accordance with Ordering Provision No. 2.I., to demonstrate compliance with Ordering Provisions Nos. 2.a.ii. through 2.a.xiii; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility, together with the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.74 (Conclusion of Law No. 19). The copy of the CCR and the certification shall be mailed to:

Drinking Water Special Functions Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Order:
- i. Submit written certification, in accordance with Ordering Provision No. 2.I., to demonstrate compliance with Ordering Provision No. 2.b.ii.; and

- ii. Develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, including a schematic of the plant and distribution system map with all sample sites indicated, in accordance with 30 TEX. ADMIN. CODE § 290.121 (Conclusion of Law No. 7).
- d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.l., to demonstrate compliance with Ordering Provision No. 2.c.ii.
- e. Within 90 days after the effective date of this Order:
 - i. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon one quarter of compliant reporting (Conclusion of Law No. 17). DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Obtain an exception from the Executive Director for blending water containing chloramines and water containing free chlorine as required by 30 TEX. ADMIN. CODE § 290.39(l), in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 5). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - iii. Compile and keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 8); and
 - iv. Obtain sanitary control easements for all land within 150 feet of the Facility's two wells or obtain an exception from the Executive Director for sanitary control easements, in accordance with 30 TEX. ADMIN. CODE § 290.41 (Conclusion of Law No. 9). The exception request shall be submitted to the address provided in Ordering Provision No. 2.e.ii.
- f. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.l., to demonstrate compliance with Ordering Provisions Nos. 2.e.ii. through 2.e.iv.
- g. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed plans, specifications, and engineering reports prepared under the direction of a Texas licensed professional engineer for review and approval of a water hauling trailer utilized by the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39 (Conclusion of Law No. 16). The documentation shall be submitted to the address provided in Ordering Provision No. 2.e.ii.

Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning required documentation within 15 days after the date of such requests, or by any other deadline specified in writing.

- h. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.l., to demonstrate compliance with Ordering Provisions Nos. 2.e.i. and 2.g.
- i. Within 270 days after the effective date of this Order, obtain approval from the Executive Director for using a water hauling trailer (Conclusion of Law No. 16).
- j. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.l., to demonstrate compliance with Ordering Provision No. 2.i.
- k. Within 410 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.l., to demonstrate compliance with Ordering Provision No. 2.a.i.
- l. 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware 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, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by 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.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within the TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

Howard C. Bigham, Jr.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Frim E. Chanallop
For the Executive Director

05/16/22
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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
- The TCEQ seeking other relief as authorized by law.

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

Howard C. Bigham, Jr.
Signature - Howard C. Bigham, Jr.
2116 Tuscola Avenue
Snyder, Texas 79549

7-30-22
Date

If mailing address has changed, please check this box and provide the new address below:
