#### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59998 CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION RN101256063

Docket No. 2020-1394-PWS-E

Order Type:

Default Order

Media:

**PWS** 

**Small Business:** 

Yes

Location(s) Where Violation(s) Occurred:

corner of Circle R Road North and Circle R Road South, Fort Worth, Tarrant County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Case No. 61330

Past-Due Penalties: \$438.75
Past-Due Fees: None
Other: None
Interested Third-Parties: None

**Texas Register Publication Date:** July 29, 2022

Comments Received: None

**Penalty Information** 

**Total Penalty Assessed:** \$3,719 **Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$3,719

**Compliance History Classifications:** 

Person/CN - Unclassified

Site/RN - N/A

Major Source: No Statutory Limit Adjustment: None

**Applicable Penalty Policy:** April 2014

**Investigation Information** 

Complaint Date(s): N/A

Date(s) of Investigation: September 28, 2020 through October 16, 2020 Date(s) of NOV(s): April 16, 2020; July 9, 2020; August 19, 2020

**Date(s) of NOE(s):** October 16, 2020

#### EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 59998 CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION RN101256063

#### Docket No. 2020-1394-PWS-E

#### Violation Information

- 1. Failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period [30 Tex. Admin, Code § 290.108(e)].
- 2. Failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 21, 2017, and October 25, 2017, at least one raw groundwater source Escherichia coli (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected [30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)].
- 3. Failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to provide the results of radionuclides contaminants sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period and failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on April 25, 2019, at least one raw groundwater source Escherichia coli (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected [30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
- 4. Failed to provide the results of minerals and synthetic organic chemical ("SOC") (Methods 504, 515, and 531) contaminants sampling to the Executive Director for the January 1, 2017, through December 31, 2019, monitoring period [30 Tex. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
- 5. Failed to provide the results of nitrate, synthetic organic chemical Group 5 ("SOC5"), and volatile organic compound ("VOC") contaminants sampling to the Executive Director for the January 1, 2019, through December 31, 2019, monitoring period [30 Tex. ADMIN. CODE §§ 290.106(e) and 290.107(e)].
- 6. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12298 for calendar years 2016 through 2019 [Tex. WATER CODE § 5.702 and 30 Tex. ADMIN. CODE § 291.76].
- 7. Failed to pay Public Health Service fees and/or any associated late fees for TCEO Financial Administration Account No. 92200148 for Fiscal Years 2017 through 2020 [Tex. Water Code § 5.702 and 30 Tex. ADMIN. CODE § 290.51(a)(6)].

#### Corrective Actions/Technical Requirements

#### **Corrective Action(s) Completed:**

None

#### **Technical Requirements:**

Within 30 days after the effective date of this Order:

- 1. Ensure that all delinquent drinking water chemical analysis results, including for nitrate, SOC contaminants (Methods 504, 515, and 531 and Group 5), VOC contaminants, minerals, and radionuclides, are reported to the Executive Director, or demonstrate that a compliance schedule has been established for reporting these results to the Executive Director.
- 2. Implement improvements to the Facility's process procedures, guidance, training, and oversight to ensure that all future drinking water chemical samples are collected and the results, including for nitrate, SOC contaminants (Methods 504, 515, and 531 and Group 5), VOC contaminants, minerals, and radionuclides, are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the monitoring period, whichever occurs first.
- 3. Provide public notifications and submit copies of the public notifications, accompanied with signed Certificates of Delivery, to the Executive Director regarding the failure to provide the results of radionuclides contaminants sampling to the Executive Director for the January 1, 2016

# EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 59998 CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION RN101256063 Docket No. 2020-1394-PWS-E

through December 31, 2018 monitoring period and regarding the failure to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 21, 2017, October 25, 2017, and April 25, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected.

- 4. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director.
- 5. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12298 for calendar years 2016 through 2019.
- 6. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92200148.
- 7. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirements Nos. 1 through 6.

#### **Litigation Information**

Date Petition(s) Filed: February 9, 2022; March 3, 2022; March 21, 2022; May 25, 2022

Date Green Card(s) Signed: Unclaimed: Unclaimed: Unclaimed: hand-delivered by Region

Date Answer(s) Filed: N/A

**Contact Information** 

TCEQ Attorneys: Casey Kurnath, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Amanda Conner, Enforcement Division, (512) 676-7487

TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Jason Brandon, Director, CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION, 6018 Circle R Road North, Fort Worth, Texas

76140

Respondent's Attorney: N/A



\$232



**PAYABLE PENALTY** 

### Penalty Calculation Worksheet (PCW)

SHIP OWNENTAL OU	Policy R	Revision 4 (April 2014)	,			•	PCW I	Revision March 26, 2014
DATES	Assigned	19-Oct-2020						
	PCW	8-Mar-2021	Screening	28-Oct-2020	EPA Due	30-Jun-2020		
DECDO	NDENT/FACTITE	TY INFORMATION	ON					
RESPU	Despendent	CIRCLE "R" RANG	CHETTES REC	REATION AND O	COMMUNITY	ORPORATION	(PCW 1)	
Rec	g. Ent. Ref. No.	RN101256063	CHETTES RE	CILLITION	20111101111111	ORI ORIVITOR	(1 CW 1)	
Facilit	ty/Site Region	4-Dallas/Fort Wo	orth		Major/I	Minor Source	Minor	
		•						
	NFORMATION							
En	f./Case ID No.				No.	of Violations		
		2020-1394-PWS-			_	Order Type		
Med		Public Water Sup	pply			nt/Non-Profit		24
	Multi-Media				Ent		Amanda Conne Enforcement T	
Δdn	nin. Penalty \$ L	imit Minimum	\$50	Maximum	\$1,000	EC S Team	Lillorcement	eaiii Z
Adii	min i charty \$ 1		Ψ30	- Indxiiiidiii	Ψ1,000			
			Donal	ty Calcula	tion Socti	on		
				,		OH		
TOTAL	L BASE PENA	LTY (Sum of	violation	base penalt	ies)		Subtotal 1	\$150
ADILIC	STMENTS ( +	/-) TO SUBTO	TAL 1					
ADJUS	Subtotals 2-7 are ob	tained by multiplying	the Total Base	Penalty (Subtotal 1)	by the indicated r	ercentage.		
	Compliance Hi			55.0%	Adjustment	Subto	tals 2, 3, & 7	\$82
		Enhancement f	or three NOV	s with the same	/similar violati	ons and two		
	Notes	Elinaricement		taining a denial	•	ons and two		
			oracis con	taining a acmar	or nabiney.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$(
								•
	Notes	The Re	spondent do	es not meet the	culpability crit	eria.		
	Good Eaith Eff	ort to Comply T	otal Adiusti	mente			Subtotal 5	\$(
	Good Faith En	ort to compry r	otai Aujusti	ileiles			Subtotal S	<b></b>
	<b>Economic Bene</b>	_			Enhancement*		Subtotal 6	\$(
	Estimated	Total EB Amounts d Cost of Compliance	\$51 \$529	*Capped	d at the Total EB \$	Amount		
	Estimated	a cost of compliance	4323	_				
SUM C	F SUBTOTAL	LS 1-7				F	inal Subtotal	\$232
<b>OTHEI</b>	R FACTORS A	AS JUSTICE M	IAY REQU	IRE	0.0%		Adjustment	\$(
Reduces o	r enhances the Final	Subtotal by the indic	ated percentage				-	·
	Notes							
						Final Da	/	*22
						Finai Pei	nalty Amount	\$232
STATI	ITORY I TMT	T ADJUSTMEN	JT .			Final Acco	ssed Penalty	\$232
JIAIC	. OKI EIRII	ADJUSTRIEN				i iliai ASSE	SSEU FEIIAILY	<b>\$23</b> 2
DEFER	RRAL				0.0%	Reduction	Adjustment	\$(
		nalty by the indicated	l percentage.		0.0 70		Aujustineilt	<b></b>
		, , , , , , , , , , , , , , , , , , , ,					1	
	Notes	No c	leferral is red	commended for I	Findings Order	s.		

Screening Date 28-Oct-2020

**Docket No.** 2020-1394-PWS-E

**PCW** 

CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY

Respondent CORPORATION (PCW 1)

**Case ID No.** 59998

Reg. Ent. Reference No. RN101256063

**Media** Public Water Supply

Enf. Coordinator Amanda Conner

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

#### **Compliance History Worksheet**

>>	Compliance Hist	ory <i>Site</i>	Enhancement	(Subtotal 2)	
	Component	Number	r <b>of</b>		

Component	Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria )	3	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts )	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%

	Environmental management systems in place for one year or more	No	0%
Other	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)

>> Repeat Violator (Subtotal 3)

N/A Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Unclassified Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

55%

	Screening Date				ket No. 2020-:	1394-PWS-E		PCW
	Respondent	CIRCLE "R" RANCHET CORPORATION (PCW	TTES RECF	REATION ANI	O COMMUNITY		Policy	Revision 4 (April 2014)
	Case ID No.	59998	1)					evision March 26, 2014
Reg.	Ent. Reference No.							
	медіа Enf. Coordinator	Public Water Supply Amanda Conner						
	Violation Number	1						
	Rule Cite(s)		30 Te>	c. Admin. Co	de § 290.108(e)			
	Violation Description	Failed to provide the the January			es sampling to th nber 31, 2018 m			
						Base	Penalty	\$1,000
>> Env	rironmental, Proper			atrix				
	Release		l <b>arm</b> derate	Minor				
OR	Actual					2.00		
	Potential				Perce	<b>nt</b> 0.0%		
>>Prog	grammatic Matrix	Madau	da wa ka	Mina				
	Falsification	Major Mod	derate	Minor	Perce	<b>nt</b> 5.0%		
	Matrix Notes	100% of	the rule re	equirements	were not met.			
					Adjustme	ent	\$950	
							[	\$50
Violetie	on Events							·
violatio	on Events							
	Number of \	/iolation Events	1		652 Numb	er of violation d	lays	
		daily weekly monthly quarterly semiannual annual single event	X		`	/iolation Base	Penalty [	\$50
		One	e single ev	ent is recom	mended.			
Good F	aith Efforts to Com		0.0%				Reduction	\$0
		Before N Extraordinary	NOE/NOV N	IOE/NOV to EDI	PRP/Settlement Offer	f		
		Ordinary						
		N/A	Х					
		Notes The F	Responden		eet the good fait	ch criteria for		
						Violation	Subtotal	\$50
Econon	nic Benefit (EB) for	this violation			State	utory Limit	Test	
	Estimat	ted EB Amount		\$40	Violat	ion Final Pena	ilty Total	\$78
		т	his violat	ion Final As	sessed Penalty	y (adjusted fo	r limits)	\$78
							-	

#### **Economic Benefit Worksheet**

Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 1)

**Case ID No.** 59998

Reg. Ent. Reference No. RN101256063

Media Public Water Supply

Violation No. 1

Percent Interest	Years of
	Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved EB Amount** 

**Item Description** 

#### **Delayed Costs**

Equipment Buildings Other (as needed) **Engineering/Construction Record Keeping System** Training/Sampling Remediation/Disposal **Permit Costs** Other (as needed)

			0.00	\$U	\$U	\$U
			0.00	\$U	\$U	\$U
			0.00	\$U	<b>\$</b> U	\$U
			0.00	\$U	<b>\$</b> U	\$U
			0.00	<b>\$</b> ∪	n/a	<b>\$</b> ∪
			0.00	\$U	n/a	\$U
\$100	2ช-Sep-2บ2บ	31-JUI-2021	ს.ช4	\$4	n/a	\$4
			0.00	<b>\$</b> U	n/a	\$U
			0.00	\$U	n/a	\$U
\$2/9	10-Jan-2019	31-JUI-2021	2.56	\$ <i>3</i> 6	n/a	\$ <i>3</i> 6
			_			

The Training/Sampling delayed cost includes the estimated amount to implement process procedures, training, and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$279.35 for radionuclides x one sample) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

#### **Avoided Costs**

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

Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment **Financial Assurance ONE-TIME** avoided costs Other (as needed)

	0.00	\$U	<b>\$</b> U	\$U
	0.00	<b>\$</b> U	<b>\$</b> U	\$U
	0.00	<b>\$</b> U	\$U	\$U
	0.00	\$U	\$U	\$U
	0.00	\$U	\$U	\$U
	0.00	<b>\$</b> U	<b>\$</b> U	\$U
	0.00	<b>\$</b> ∪	<b>\$</b> U	<b>\$</b> ∪

Notes for AVOIDED costs

Approx. Cost of Compliance

\$379

TOTAL \$40

	Scre	ening Date	28-Oct-2020		Do	cket No. 2020-139	4-PWS-E	PCW
				NCHETTES RE	ECREATION AN	D COMMUNITY CORP	ORATION	
		espondent					Po	licy Revision 4 (April 2014)
	C	ase ID No.	59998				PC	W Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN101256063					
			Public Water Su					
			Amanda Conne	r				
	Viola	ation Number	2					
		Rule Cite(s)		30 Tex. Ad	dmin. Code § 2	90.122(c)(2)(A) and	(f)	
			E-th-day	dala a dalla a a	rici ri			
						ubmit a copy of the partificate o		
						otification of the rout		
	Violatio	n Description	coliform-posi	tive samples (	on September	21, 2017 and Octobe	er 25, 2017, at leas	t
						coli (or other approv		
			sample from		-	ource in use at the ting the properties of the contract of the	me the distribution	
				Comon	in-positive san	ipies were collected.		
							Base Penalt	ty \$1,000
							buse i ciiai	Ψ2/000
>> Env	/ironmer	ital, Proper	ty and Hum		Matrix			
		Release	Maian	Harm	Minan			
OR		Actual	Major	Moderate	Minor			
O.K		Potential				Percent	0.0%	
							010 / 0	
>>Prog	grammat	ic Matrix						
		Falsification	Major	Moderate	Minor			
			Х			Percent	5.0%	
								_
	Matrix		10	00/ -61				
	Notes		10	0% of the rule	e requirements	were not met.		
						Adjustment	\$95	50
						•		
								\$50
Violatio	n Event	·c						
Violatio	JII LVCIII	.5						
		Number of V	iolation Events	2		743 Number o	of violation days	
						<u>'</u>		
			daily					
			weekly					
			monthly quarterly		-	Viol	lation Base Penalt	ty \$100
			semiannual		-	¥10.	iation base renai	, <b>y</b> \$100
			annual		1			
			single event	X				
			Torre de etc					
			i wo single	events are re	commended, o	ne for each notification	on.	
Good Fa	aith Effo	orts to Com	ply	0.0%			Reductio	on \$0
				Before NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х				
			Natas	The Respond	dent does not n	neet the good faith cr	iteria for	
			Notes	·		violation.		
							<b>Violation Subtot</b>	:al \$100
Fconon	nic Reno	fit (FR) for	this violation	n		Statuto	ory Limit Test	
	c Delle						-	
		Estimat	ed EB Amount		\$11	Violation	Final Penalty Tot	<b>al</b> \$155
				This vic	olation Final A	Assessed Penalty (a	djusted for limits	\$155
						/ (-		, , , , , ,

\$11

#### **Economic Benefit Worksheet** Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 1) Case ID No. 59998 Reg. Ent. Reference No. RN101256063 Years of Media Public Water Supply **Percent Interest** Violation No. 2 Depreciation 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved EB Amount Item Description Delayed Costs** 0.00 \$U \$U \$U \$U \$U \$U Equipment 0.00 Buildings 0.00 SU Other (as needed) SU \$U **Engineering/Construction** 0.00SU. SU. \$U U.UU **\$**υ n/a **ఫ**υ **Record Keeping System** U.UU **\$U** n/a **\$**υ \$100 28-Sep-2020 31-JUI-2021 U.84 \$4 n/a \$4 Training/Sampling Remediation/Disposal U.UU \$U n/a **\$**υ υ.υυ **Permit Costs \$**υ n/a **\$**U Other (as needed) 10-OCt-5018 31-JUI-2021 7.81 n/a The Training/Sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance. The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public Notes for DELAYED costs notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance. **Avoided Costs** ANNUALIZE avoided costs before entering item (except for one-time avoided costs) Disposal 0.00 Personnel 0.00 \$U \$U \$U 0.00 \$U \$U \$U Inspection/Reporting/Sampling 0.00 \$U \$U \$U Supplies/Equipment 0.00 \$U \$U \$U **Financial Assurance** ONE-TIME avoided costs \$U \$U

\$150

TOTAL

Other (as needed)

Notes for AVOIDED costs

Approx. Cost of Compliance



## Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

Assigned 19-Oct-2020 PCW 8-Mar-2021

CW 8-Mar-2021 Screening 28-Oct-2020

**EPA Due** 30-Jun-2020

RESPONDENT/FACILITY INFORMATION							
Respondent	CIRCLE "R" RANCHETTES RECREATION AND	COMMUNITY CORPORATION (PCW 2)					
Reg. Ent. Ref. No.							
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor					

CASE INFORMATION			
Enf./Case ID No.	59998	No. of Violations	5
	2020-1394-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amanda Conner
		EC's Team	Enforcement Team 2
Admin. Penalty \$ I	Limit Minimum \$50 Maximum	\$5,000	

	7 '									
			Penalty Calcu	ation	Sectio	n				
TOTA	L BASE PENA	ALTY (Sum o	f violation base pen				Subtotal 1	\$2,250		
		-	-					+-,		
ADJU	STMENTS (+	/-) TO SUBT	<b>OTAL 1</b> ig the Total Base Penalty (Subtota	l 1) by the ii	ndicated ner	rcentage				
	Compliance Hi		55.0°		tment		tals 2, 3, & 7	\$1,237		
		Enhancement	for three NOVs with the sa	me/simila	r violation	ns and two				
	Notes  Enhancement for three NOVs with the same/similar violations and two orders containing a denial of liability.									
	Culpability	No	0.0	1/a = =====			Subtatal 4	<b>#</b> 0		
	Culpability	INO	0.0	/o Ennand	cement		Subtotal 4	\$0		
	Notes	The R	espondent does not meet	he culpab	ility criter	ia.				
	Good Faith Eff	ort to Comply	Total Adjustments				Subtotal 5	\$0		
								•		
	Economic Ben	efit	0.0	<b>/o</b> Enhancer	ment*		Subtotal 6	\$0		
	F .: .	Total EB Amounts	\$68 *Ca		Total EB \$ An	mount				
	Estimate	d Cost of Compliance	\$867							
SUM (	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$3,487		
	or enhances the Final		MAY REQUIRE		0.0%		Adjustment	\$0		
rtoddooo		Subtotal by the line	reacea per contage.				]			
	Notes									
						Final Per	nalty Amount	\$3,487		
								45/102		
STAT	UTORY LIMI	T ADJUSTME	NT			Final Asse	ssed Penalty	\$3,487		
DEFE	DDAI					5 1				
<b>DEFE</b>	KKAL the Final Assessed Pe	enalty by the indicate	ed percentage.		0.0%	Reduction	Adjustment	\$0		
rtoddooo		The state of the s					]			
	Notes	No	deferral is recommended f	or Finding	s Orders.					
							]			
PAYA	BLE PENALT	Y						\$3,487		
								τ-,		

Screening Date 28-Oct-2020

**Docket No.** 2020-1394-PWS-E

**PCW** 

55%

Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 2)

**Case ID No.** 59998

Reg. Ent. Reference No. RN101256063

Media Public Water Supply

Enf Coordinator Amanda Conner

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

	Enf. Co	ordinator Amanda Conner			
		Compliance History Worksheet			
>>		tory Site Enhancement (Subtotal 2)	Nivershau	م مائن مد	
	NOVs	Number of  Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Number 3	Adjust.	
	11015	Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0%	
	and Consent Decrees	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%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Other	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 Per	centage (Sub	total 2) [	55%
>>	Repeat Violator	(Subtotal 3)			
	N/	Adjustment Per	centage (Sub	total 3)	0%
>>	Compliance His	tory Person Classification (Subtotal 7)			
	Unclas	sified Adjustment Per	centage (Sub	total 7)	0%
>>	Compliance His	tory Summary			
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations and two orders cont of liability.	aining a denial		
		Total Compliance History Adjustment Percentage (S	Subtotals 2, 3	3, & 7) [	55%
>> F	Final Compliance	History Adjustment	,	- 1	

Final Adjustment Percentage \*capped at 100%

	28-Oct-2020	Docket No. 2020	-1394-PWS-E	PCW
	CIRCLE "R" RANCHETTES RECF	REATION AND COMMUNITY		
Respondent	CORPORATION (PCW 2)			Policy Revision 4 (April 2014)
Case ID No.	59998			PCW Revision September 1, 2019
Reg. Ent. Reference No.	RN101256063			
	Public Water Supply			
Enf. Coordinator	Amanda Conner			
Violation Number	1			
Rule Cite(s)	30 Tex. Admi	n. Code § 290.122(c)(2)(A)	and (f)	
Violation Description	Failed to provide public notific the Executive Director, accomp the failure to provide the res Executive Director for the Janu period and regarding the fail routine distribution total colifor raw groundwater source Esche from each active groundwater posit	panied with a signed Certificults of radionuclides contarter, 1, 2016 through Decerure to collect, within 24 howers, positive samples on Approchia coli (or other approventions)	ate of Delivery, re- ninants sampling to hber 31, 2018 modurs of notification ril 25, 2019, at lead ed fecal indicator) the distribution co	garding to the nitoring of the ast one sample
			Base F	Penalty \$5,000
>> Environmental, Propert	v and Human Health M	atrix		
z znvironiniental, Propert	ly and numan nearm Harm	uti IA		
Release	Major Moderate	Minor		
OR Actual				
Potential		Perc	ent 0.0%	
>> Duo augumentia Matuiy				
>>Programmatic Matrix Falsification	Major Moderate	Minor		
T disineation	x Moderate	Perc	ent 5.0%	
			5.676	
Matrix	100% of the rule re	quirements were not met.		
Notes		,		
		Adjustn	ient	\$4,750
		Adjustn	nent	
		Adjustn	ent	\$4,750 \$250
Violation Events		Adjustn	ent [	
				\$250
	/iolation Events 2		<b>nent</b> ber of violation da	\$250
				\$250
	daily			\$250
				\$250
	daily weekly			\$250 iys
	daily		ber of violation da	\$250 iys
	daily weekly monthly quarterly semiannual annual		ber of violation da	\$250 iys
	daily weekly monthly quarterly semiannual		ber of violation da	\$250 iys
	daily weekly monthly quarterly semiannual annual		ber of violation da	\$250 iys
	daily weekly monthly quarterly semiannual annual single event  X	286 Num	ber of violation da Violation Base F	\$250 iys
	daily weekly monthly quarterly semiannual annual	286 Num	ber of violation da Violation Base F	\$250 iys
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor	286 Num	ber of violation da <b>Violation Base F</b> fication.	\$250 hys Penalty \$500
	daily weekly monthly quarterly semiannual annual single event  Two single events are recor	286 Num	ber of violation da  Violation Base F  fication.	\$250 iys
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor	Num	ber of violation da  Violation Base F  fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Two single events are recor  Extraordinary  Ordinary	Num	ber of violation da  Violation Base F  fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recore  Two single events are recore  Extraordinary	Num	ber of violation da  Violation Base F  fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Oly  0.0%  Before NOE/NOV Extraordinary Ordinary N/A  The Decreaded	nmended, one for each noti	ber of violation da Violation Base F fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Diy  O.0% Before NOE/NOV  Extraordinary Ordinary N/A X	Num	ber of violation da Violation Base F fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Oly  0.0%  Before NOE/NOV Extraordinary Ordinary N/A  The Decreaded	nmended, one for each noti	ber of violation da Violation Base F fication.	\$250 hys Penalty \$500
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Oly  0.0%  Before NOE/NOV Extraordinary Ordinary N/A  The Decreaded	nmended, one for each noti	ber of violation date.  Violation Base F  fication.  Re er	\$250 Penalty \$500  eduction \$0
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Oly  0.0%  Before NOE/NOV Extraordinary Ordinary N/A  The Decreaded	nmended, one for each noti	ber of violation da Violation Base F fication.	\$250 Penalty \$500  eduction \$0
Number of V	daily weekly monthly quarterly semiannual annual single event  Two single events are recor  Oly  O.0%  Before NOE/NOV Extraordinary Ordinary N/A x  Notes  The Respondent	nmended, one for each noting to the specific property of the specific p	ber of violation date.  Violation Base F  fication.  Re er	\$250  Penalty \$500  eduction \$0
Good Faith Efforts to Comp	daily weekly monthly quarterly semiannual annual single event x  Two single events are record and the series of th	nmended, one for each noting to the state of this violation.	ber of violation date of violation Base For the second sec	\$250  Penalty \$500  eduction \$0  ubtotal \$500
Good Faith Efforts to Comp	daily weekly monthly quarterly semiannual annual single event x  Two single events are record and single event and single eve	nmended, one for each noting to the state of this violation.	ber of violation da  Violation Base F  fication.  Re  aith criteria for  Violation Solution Solutory Limit T	\$250  Penalty \$500  eduction \$0  ubtotal \$500  est

\$4

#### **Economic Benefit Worksheet** Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 2) Case ID No. 59998 Reg. Ent. Reference No. RN101256063 Years of Media Public Water Supply **Percent Interest** Violation No. 1 Depreciation 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved EB Amount Item Description Delayed Costs** 0.00 \$U \$U \$U \$U \$U \$U Equipment 0.00 Buildings 0.00 SU Other (as needed) SU \$U **Engineering/Construction** 0.00SU. SU. \$U U.UU **\$**υ n/a **ఫ**υ **Record Keeping System** U.UU **\$U** n/a **\$**υ U.UU **\$**U n/a \$U Training/Sampling U.UU Remediation/Disposal \$U n/a **\$**υ **Permit Costs** บ.บบ **\$**υ n/a **\$**U Other (as needed) 31-JUI-2021 1.53 n/a The Training/Sampling delayed cost to implement procedures to ensure that all necessary public notifications are provided in a timely manner is assessed in the Economic Benefit Worksheet for Violation No. 2 on PCW 1. The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public Notes for DELAYED costs notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance. **Avoided Costs** ANNUALIZE avoided costs before entering item (except for one-time avoided costs) Disposal 0.00 \$U \$U \$U Personnel 0.00 \$U \$U \$U Inspection/Reporting/Sampling 0.00 \$U \$U \$U 0.00 \$U \$U \$U Supplies/Equipment 0.00 \$U \$U \$U **Financial Assurance** υ.υυ **ONE-TIME** avoided costs **ఫ**∪ \$U Other (as needed)

\$50

TOTAL

Notes for AVOIDED costs

Approx. Cost of Compliance

	Screening Date			nd COMMUNITY CORPORAT		PCW
	Respondent		INCHETTES RECREATION A	ND COMMUNITY CORPORAT.		Revision 4 (April 2014)
	Case ID No.					sion September 1, 2019
Reg.	Ent. Reference No.					
		Public Water Su				
	Enf. Coordinator		r a			
	Violation Number Rule Cite(s)	2				
	Rule Cite(s)		30 Tex. Admin. Code §§ 2	290.106(e) and 290.107(e)		
	Violation Description	(Methods 504	4, 515, and 531) contamina	s and synthetic organic cher ants sampling to the Executiv ember 31, 2019 monitoring	ve Director for	
					Base Penalty	\$5,000
>> Env	vironmental, Proper	tv and Huma	an Health Matrix			
			Harm			
OR	Release		Moderate Minor	1		
OK	Actual Potential			Percent 0	0.0%	
	i oteritiai			r creent 0	7.0 70	
>>Prog	grammatic Matrix					
	Falsification	Major	Moderate Minor	Damant	. 00/	
		Х		Percent 5	5.0%	
	Matrix Notes	100	0% of the rule requirement	ts were not met.		
				Adjustment	\$4,750	
				Aujustment	ψ1,730	
						\$250
Violatio	on Events					
		ı				
	Number of '	Violation Events	4	Number of viol	ation days	
		daily weekly				
		monthly quarterly		Violation	Base Penalty	\$1,000
		semiannual		Violation	i base reliaity	Ψ1,000
		annual				
		single event	X			
		Four single ev	vents are recommended (o	ne for each sample result).		
Good F	aith Efforts to Com	plv	0.0%		Reduction	\$0
		В	Before NOE/NOV NOE/NOV to E	DPRP/Settlement Offer		*-
		Extraordinary				
		Ordinary				
		N/A				
		Notes		meet the good faith criterias violation.	for	
				Viol	ation Subtotal	\$1,000
Econon	nic Benefit (EB) for	this violatio	on	Statutory L	imit Test	
		ad FR Amount	I		Denaity Total	¢1 550
	ecimar					
			inis violation Final	Assessed Penalty (adjust	tea for limits)	\$1,550

# Economic Benefit Worksheet Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 2) Case ID No. 59998 Reg. Ent. Reference No. RN101256063

Media Public Water Supply
Violation No. 2

Percent Interest
Depreciation

5.0

Item Cost Date Required Final Date
Years of
Depreciation
Costs Saved EB Amount

**Item Description** 

#### **Delayed Costs**

Equipment
Buildings
Other (as needed)
Engineering/Construction
Land
Record Keeping System
Training/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

			0.00	\$U	<b>\$</b> U	\$U		
			0.00	<b>\$</b> U	\$U	\$U		
			0.00	<b>\$</b> U	\$U	\$U		
			0.00	<b>\$</b> U	\$U	\$U		
			0.00	<b>\$</b> U	n/a	<b>\$</b> ∪		
			0.00	\$U	n/a	<b>\$</b> U		
			U.UU	<b>\$</b> U	n/a	\$U		
			U.UU	<b>\$</b> U	n/a	\$U		
			0.00	\$U	n/a	<b>\$</b> U		
\$548	TO-Jan-5050	31-JUI-2021	1.56	\$43	n/a	\$43		

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, and/or oversight to ensure that future drinking water sample results are collected, analyzed, and released by the Facility's laboratories and reported to the Executive Director is assessed in the Economic Benefit Worksheet for Violation No. 1 on PCW 1.

Notes for DELAYED costs

The Other (as needed) avoided cost includes the estimated amount to pay any outstanding lab fees (\$102.25 for minerals, \$75.67 for SOC contaminants Method 504, \$313.25 for SOC contaminants Method 515, and \$57.01 for SOC contaminants Method 531) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

#### Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment

**Avoided Costs** 

pection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)

Notes for AVOIDED costs

Approx. Cost of Compliance \$548

	•									
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)										
		U	0.00	\$U	<b>\$</b> U	\$U				
		U	0.00	\$U	\$U	\$U				
		U	0.00	\$U	\$U	\$U				
		U	0.00	\$U	\$U	\$U				
		U	0.00	\$U	\$U	\$U				
		U	0.00	\$U	\$U	\$U				
		U	J.UU	\$U	<b>\$</b> U	\$U				
				-	-	-				

TOTAL \$43

	Screening Date			<b>cket No.</b> 2020-1394-PWS-E		PCW
	Respondent		NCHETTES RECREATION AN	ID COMMUNITY CORPORATION	D. C.	Decision 4 (4 e.il 2014)
	Case ID No.					Revision 4 (April 2014) sion September 1, 2019
Reg.	Ent. Reference No.				Tew Revis	sion September 1, 2015
- 3		Public Water Su	ipply			
	Enf. Coordinator	Amanda Conner				
	Violation Number	3				
	Rule Cite(s)		30 Tex. Admin. Code §§ 29	90.106(e) and 290.107(e)		
	Violetian Description			thetic organic chemical Group 5 ("		
	Violation Description			ontaminants sampling to the Exec December 31, 2019 monitoring p		
			, , , , , , , , , , , , , , , , , , , ,	3,		
				Base	Penalty	\$5,000
>> Fnv	vironmental, Proper	tv and Huma	an Health Matrix			
		c, and main	Harm			
00	Release	Major	Moderate Minor			
OR	Actual			Banaant 0.004		
	Potential			Percent 0.0%		
>>Prog	rammatic Matrix					
	Falsification	Major	Moderate Minor			
		Х		Percent 5.0%		
	Matrix	100	0% of the rule requirements	were not met.		
	Notes	100	770 of the fale requirements	, were not med		
				Adjustment	\$4,750	
						\$250
Violatio	on Events					
	Number of V	Violation Events	3	287 Number of violation da	ays	
		daily				
		weekly monthly				
		quarterly		Violation Base	Penalty	\$750
		semiannual		5151431511 2435		ψ, 50
		annual				
		single event	X			
						1
		Three single	events are recommended, o	ne for each sample result.		
			·	·		
Good F	aith Efforts to Com	nlv	0.0%	R	eduction	\$0
		В		PRP/Settlement Offer	Jud Ci.o.i	
		Extraordinary				
		Ordinary				
		N/A	X			
		Notes		meet the good faith criteria for violation.		
				Violation S	Subtat-1	*750
				Violation S	นมเปเสโ	\$750
Econon	nic Benefit (EB) for	this violatio	n	Statutory Limit 1	<b>Fest</b>	
	Fetimat	ed FR Amount	¢71 l	Violation Final Danal	tv Total	¢1 163
			This violation Final A	Assessed Penalty (adjusted for	· limits)	\$1,163

#### **Economic Benefit Worksheet**

Respondent CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION (PCW 2)

**Case ID No.** 59998

Reg. Ent. Reference No. RN101256063

Media Public Water Supply

Violation No. 3

Percent Interest	Years of
	Depreciation
5.0	15

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

**Item Description** 

#### **Delayed Costs**

Equipment
Buildings
Other (as needed)
Engineering/Construction
Land
Record Keeping System
Training/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

•									
			0.00	\$U	<b>\$</b> U	\$U			
			0.00	\$U	\$U	\$U			
			0.00	<b>\$</b> U	\$U	\$U			
			0.00	\$U	<b>\$</b> U	\$U			
			0.00	<b>\$</b> ∪	n/a	<b>\$</b> ∪			
			U.UU	\$U	n/a	\$U			
			U.UU	<b>\$</b> U	n/a	<b>\$</b> U			
			U.UU	<b>\$</b> U	n/a	<b>\$</b> U			
			U.UU	<b>\$</b> U	n/a	\$U			
\$269	TO-Jan-5050	31-JUI-2U21	1.56	\$21	n/a	\$21			

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, and/or oversight to ensure that future drinking water sample results are collected, analyzed and released by the Facility's laboratories and reported to the Executive Director is assessed in the Economic Benefit Worksheet for Violation No. 1 on PCW 1.

Notes for DELAYED costs

The Other (as needed) avoided cost includes the estimated amount to pay any outstanding lab fees (\$8.49 for nitrate, \$205.41 for SOC5 contaminants, and \$55.12 for VOC contaminants) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

Avoided Costs

Disposal
Personnel
Inspection/Reporting/Sampling
Supplies/Equipment
Financial Assurance
ONE-TIME avoided costs
Other (as needed)

ANNUAL	ANNOALIZE avoided costs before entering item (except for one-time avoided costs)									
			0.00	\$U	\$U	\$U				
			0.00	<b>\$</b> U	<b>\$</b> U	\$U				
			0.00	\$U	\$U	\$U				
			0.00	<b>\$</b> U	\$U	\$U				
			0.00	\$U	\$U	\$U				
			U.UU	<b>\$</b> U	<b>\$</b> U	\$U				
			0.00	<b>\$</b> ∪	<b>\$</b> ∪	<b>\$</b> ∪				

ANNUALTE avaided costs before outsving item (event for

Notes for AVOIDED costs

Approx. Cost of Compliance

\$269

TOTAL

\$21

	Screening Date	28-Oct-2020	Do	<b>cket No.</b> 2020-1394-PWS-E		PCW
	Doonandank		NCHETTES RECREATION AN	ND COMMUNITY CORPORATION		
	Respondent Case ID No.	` '				Revision 4 (April 2014) sion September 1, 2019
Rea.	Ent. Reference No.				PCW Revis	sion september 1, 2019
		Public Water Su	upply			
	Enf. Coordinator		r			
	Violation Number					1
	Rule Cite(s)	30	Tex. Admin. Code § 291.76	and Tex. Water Code § 5.702		
	Violation Description		ertificate of Convenience and	ees for the TCEQ Public Utility Ac d Necessity No. 12298 for calenda ough 2019.		
				Base	e Penalty	\$5,000
	duamma t - 1 - 5	h. a. 11	H		•	
>> Env	vironmental, Proper	ty and Huma	an Health Matrix Harm			
	Release	Major	Moderate Minor			
OR	Actual			_		
	Potential			Percent 0.0%		
>>Pro	grammatic Matrix					
	Falsification	Major	Moderate Minor			
				Percent 0.0%		
						1
	Matrix					
	Notes					
				Adjustment	\$5,000	
						\$0
Violetia	on Events					
Violatio	on Events					
	Number of \	iolation Events/		Number of violation o	days	
		ماد ال				
		daily weekly				
		monthly				
		quarterly		Violation Base	Penalty	\$0
		semiannual				
		annual single event				
		onigie event	^			
	All nenalties	and interest wil	II he determined by the Fina	ncial Administration Division at th	ne nevt	
	7 iii perialeles	and meerese wii	billing cycle.		ic next	
<b>Good F</b>	aith Efforts to Com		0.0%		Reduction	\$0
		Extraordinary		DPRP/Settlement Offer		
		Ordinary				
		N/A				
		ŕ				
		Notes				
				Violation	Subtotal	\$0
Econor	mic Benefit (EB) for	this violatio	on	Statutory Limit		
	Fetimat	ed EB Amount	\$0	Violation Final Pena	ity Total	\$0
	Estimat	/ Amount			- '	
			This violation Final	Assessed Penalty (adjusted fo	r limits)	\$0

			D C'+	<b>NA</b> / -	11		
	E	conomic	Benefit	WO	rksneet		
Respondent	CIRCLE "R" RA	NCHETTES RECRE	EATION AND CO	MMUNI	TY CORPORATION	(PCW 2)	
Case ID No.	59998						
Reg. Ent. Reference No.	RN101256063						
	Public Water S	unnly					Years of
Violation No.		арргу				Percent Interest	Depreciation
Violation No.	4						•
						5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$U	<b>\$</b> U	\$U
Buildings				0.00	<b>\$</b> U	\$U	\$U
Other (as needed)				0.00	\$U	\$U	\$U
Engineering/Construction				0.00	\$U	\$U	<b>\$</b> U
Land				0.00	<b>\$</b> ∪	п/а	<b>\$</b> ∪
Record Keeping System				0.00	\$U	n/a	\$U
Training/Sampling				0.00	\$U	n/a	\$U
Remediation/Disposal				0.00	\$U	n/a	\$U
Permit Costs Other (as needed)				U.UU	\$U \$U	n/a n/a	\$U \$U
Notes for DELAYED costs				N/	A		
Avoided Costs	ANNU	ALIZE avoided co	osts before er	ntering	item (except for	one-time avoided	l costs)
Disposal				U.UU	\$∪	\$U	\$U
Personnel				υ.υυ	\$U	\$U	\$U
Inspection/Reporting/Sampling				0.00	\$U	<b>\$</b> U	\$U
Supplies/Equipment				0.00	<b>\$</b> U	<b>\$</b> U	\$U
Financial Assurance				0.00	\$U	\$U	\$U
ONE-TIME avoided costs				0.00	\$U	\$U	\$U
Other (as needed)				U.UU	<b>\$</b> ∪	<b>\$</b> ∪	<b>ఫ</b> ∪
Notes for AVOIDED costs				N/	A		
Approx. Cost of Compliance		\$0			TOTAL		\$0

				B		D.C.14
	Screening Date	28-Oct-2020 CIRCLE "R" RA	NCHETTES RECREATION	<b>Docket No.</b> 2020-139 AND COMMUNITY CORF	94-PWS-E PORATION	PCW
	Respondent					Revision 4 (April 2014)
_	Case ID No.				PCW Revi	ision September 1, 2019
Reg.	Ent. Reference No.					
	Enf. Coordinator	Public Water Su				
	Violation Number					
	Rule Cite(s)	30 Tox	Admin Codo S 200 51	L(a)(6) and Tex. Water C	ado 8 5 702	1
		30 167	k. Admin. Code 9 250.51	t(a)(o) and rex. Water C	.ode § 5.702	
	Violation Description			ees and/or any associate 2200148 for Fiscal Years		
					Base Penalty	\$5,000
>> Env	ironmental, Proper	ty and Huma				
	Release	Major	<b>Harm</b> Moderate Minor			
OR	Actual		Troublette Time			
	Potential			Percent	0.0%	
>> Droc	grammatic Matrix					
	Falsification	Major	Moderate Minor			
				Percent	0.0%	
						1
	Matrix Notes					
				Adjustment	\$5,000	1
				, and a second second	φο/οσσ	
						\$0
Violatio	on Events					
	Number of \	/iolation Events		Number	of violation days	
		daily weekly monthly quarterly semiannual annual single event	X	Via	olation Base Penalty	\$0
	All penalties	and interest wil	l be determined by the F billing cyc	Financial Administration l le.	Division at the next	
Good F	aith Efforts to Com	ply	0.0%		Reduction	\$0
		В	Before NOE/NOV NOE/NOV t	o EDPRP/Settlement Offer		
		Extraordinary				
		Ordinary N/A				
		. 47.				
		Notes				
					Violation Subtotal	\$0
Econor	nic Benefit (EB) for	this violatio	on The second se	Statut	ory Limit Test	
	Estimat	ed EB Amount		\$0 Violation	Final Penalty Total	\$0
		,	This violation Fin	al Assessed Penalty (	adjusted for limite)	\$0
			i ilis violation Fili	a. Assessed Felialty (	aujusteu ioi iiiiits)	\$0

	Е	conomic	Benefit	Wo	rksheet		
Respondent	CIRCLE "R" RA	NCHETTES RECRE	EATION AND CO	MMUNI	TY CORPORATION	(PCW 2)	
Case ID No.							
Reg. Ent. Reference No.							
		unnly					Years of
Media Public Water Supply						<b>Percent Interest</b>	D
Violation No.	5						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		·					
Delayed Costs							
Equipment				0.00	\$U	<b>\$</b> U	\$U
Buildings				0.00	\$U	\$U	\$U
Other (as needed)				0.00	\$U	<b>\$</b> U	\$U
Engineering/Construction				0.00	\$U	\$U	\$U
Land				U.UU	<b>\$</b> ∪	n/a	<b>\$</b> ∪
Record Keeping System				0.00	<b>\$</b> U	n/a	\$U
Training/Sampling				0.00	<b>\$</b> U	n/a	<b>\$</b> U
Remediation/Disposal				0.00	<b>\$</b> U	n/a	\$U
Permit Costs				0.00	\$U	n/a	<b>\$</b> U
Other (as needed)				0.00	\$U	n/a	\$U
Notes for DELAYED costs  Avoided Costs	ANNU	ALIZE avoided co	osts before ei	N/		one-time avoided	costs)
Disposal				1 0.00	\$U	\$U	<b>\$</b> U
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$U	<b>\$</b> U	\$U
Supplies/Equipment				0.00	\$U	<b>\$</b> U	\$U
Financial Assurance				0.00	\$U	\$U	\$U
ONE-TIME avoided costs				U.UU	\$U	\$U	\$U
Other (as needed)				U.UU	<b>\$</b> ∪	<b>\$</b> ∪	<b>\$</b> ∪
Notes for AVOIDED costs	N/A						
Approx. Cost of Compliance		\$0			TOTAL		\$0

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



### Compliance History Report

Compliance History Report for CN603973819, RN101256063, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, CN603973819, CIRCLE "R" RANCHETTES Classification: UNCLASSIFIED Rating: -----

or Owner/Operator: RECREATION AND COMMUNITY

CORPORATION

Regulated Entity: RN101256063, CIRCLE R RANCHETTES Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

**Location:** corner of Circle R Road North and Circle R Road South near Fort Worth, Tarrant County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

2200148

Compliance History Period: September 01, 2015 to August 31, 2020 Rating Year: 2020 Rating Date: 09/01/2020

Date Compliance History Report Prepared: October 22, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 22, 2015 to October 22, 2020

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

Name: Amanda Conner Phone: (512) 676-7487

#### 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: 06/20/2017 ADMINORDER 2016-0366-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a) 30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to 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.

Classification: Moderate

Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)

30 TAC Chapter 288, SubChapter B 288.20(a) 30 TAC Chapter 288, SubChapter C 288.30(5)(B)

Description: Failure to adopt a Drought Contingency Plan which includes all elements for municipal use by a retail public

water supplier.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate the Facility's two well meters at least once every three years.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the barbed wire fence at the water plant was overgrown

with vegetation.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to properly maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records for the amount of chemicals used each week and the amount of water treated each week were not available.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to inspect the Facility's ground storage tank annually.

Classification: Moderate

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 F 290.110(c)(4)(A)

Description: Failure to monitor the disinfectant residual at representative locations in the distribution system at least once

every seven days. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)

Description: Failure to develop and maintain a thorough and up-to-date plant operations manual for operator review and

reference.

Classification: Minor

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

Description: Failure to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted. Specifically, there was no sign posted at the Facility's water plant.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to equip the Facility's ground storage tank roof vent with a 16-mesh or finer corrosion-resistant screen to prevent entry of animals, birds, insects and heavy air contaminants. Specifically, the ground storage tank roof vent did not have a screen.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B) Description: Failure to inspect the Facility's pressure tank annually.

2 Effective Date: 04/10/2018 ADMINORDER 2016-2126-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.107(c)(1)

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC5 MR 2Q2015 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5)

levels to the TCEQ for the quarterly monitoring period from 04/01/2015 to 06/30/2015 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(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

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

Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEO for the second guarter 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(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

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

Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third guarter 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(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

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

Description: DLQOR MR 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(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 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 H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2013 - The system failed to provide the Consumer Confidence Report (CCR) for 2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 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 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 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: SOC MR PN 2Q2015 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 synthetic organic contaminants monitoring and reporting violation for the quarterly monitoring period from 04/01/2015 to 06/30/2015.

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 reduced monitoring period from 01/01/2013 to 12/31/2013.

#### **B.** Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a

regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/16/2020 (1679747)

> Self Report? NO Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.46(f)(4) Citation:

30 TAC Chapter 290, SubChapter F 290.107(c)(1)

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC 504, 515, 531 MR 3Y2019 - The system failed to monitor and/or report

synthetic organic contaminants (method 504, 515, and 531) levels to the TCEQ for the triennial monitoring period from 01/01/2017 to 12/31/2019 within the

required timeline.

Self Report? Classification: Moderate NO

30 TAC Chapter 290, SubChapter D 290.46(f)(4) Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC5 MR YR2019 - The system failed to monitor and/or report synthetic organic

contaminants (Group SOC5) levels to the TCEQ for the annual monitoring period

from 01/01/2019 to 12/01/2019 within the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MIN MR 3Y2019 - The system failed to monitor and/or report mineral levels to the

TCEQ for the triennial monitoring period from 01/01/2017 to 12/31/2019 within

the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)

NO3 MR YR2019 - The system failed to monitor and/or report nitrate levels to the Description:

TCEQ for the annual monitoring period from 01/01/2019 to 12/31/2019 within

the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)

VOC MR YR2019 - The system failed to monitor and/or report volatile organic Description:

contaminants levels to the TCEQ for the annual monitoring period from

01/01/2019 to 12/31/2019 within the required timeline.

2 07/09/2020 (1679747)Date:

> Self Report? NO Classification: Moderate

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

RAD MR PN 3Y2018 Posting and Reporting Violation - Failure to submit a signed Description:

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 radionuclide monitoring and reporting violation for

the triennial monitoring period from 01/01/2016 to 12/31/2018.

3 Date: 08/19/2020 (1679747)

> Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2019 GWR Triggered Source Monitoring PN Posting and Reporting Violation -

Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to

conduct triggered source monitoring for the month of 04/2019.

#### F. Environmental audits:

N/A

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

N/A

H. Voluntary on-site compliance assessment dates:  $\ensuremath{\text{N/A}}$ 

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

**Sites Outside of Texas:** 

N/A

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CIRCLE "R" RANCHETTES	§	<b>TEXAS COMMISSION ON</b>
RECREATION AND COMMUNITY	§	
CORPORATION;	§	
RN101256063	§	ENVIRONMENTAL QUALITY

# DEFAULT ORDER DOCKET NO. 2020-1394-PWS-E

On	, the Texas Commission on Environmental Quality ("Commission" or
"TCEQ") conside	ered the Executive Director's Preliminary Report and Petition, filed pursuant to
TEX. HEALTH & SA	FETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which
requests approp	oriate relief, including the imposition of an administrative penalty and corrective
action of the res	spondent. The respondent made the subject of this Order is CIRCLE "R"
RANCHETTES R	ECREATION AND COMMUNITY CORPORATION ("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 corner of Circle R Road North and Circle R Road South near Fort Worth, Tarrant County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 45 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 a record review conducted September 28, 2020 through October 16, 2020, an investigator documented that Respondent:
  - a. Failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period;
  - b. Failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 21, 2017, and October 25, 2017, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected;
  - c. Failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to provide the results of radionuclide contaminants sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period and failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on April 25, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected;

- d. Failed to provide the results of minerals and synthetic organic chemical ("SOC") (Methods 504, 515, and 531) contaminants sampling to the Executive Director for the January 1, 2017, through December 31, 2019, monitoring period;
- e. Failed to provide the results of nitrate, synthetic organic chemical Group 5 ("SOC5"), and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2019, through December 31, 2019, monitoring period;
- f. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12298 for calendar years 2016 through 2019; and
- g. Failed to pay Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92200148 for Fiscal Years 2017 through 2020.
- 3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION" (the "EDPRP") in the TCEQ Chief Clerk's office on May 25, 2022.
- 4. A copy of the EDPRP was hand delivered to Respondent at their address on May 26, 2022.
- 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period, in violation of 30 Tex. Admin. Code § 290.108(e).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 21, 2017, and October 25, 2017, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected, in violation of 30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director, accompanied with a signed Certificate of Delivery, regarding the failure to provide the results of radionuclides contaminants sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period and failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on April 25, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected, in violation of 30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f).
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of minerals and SOC (Methods 504, 515, and 531) contaminants sampling to the Executive

- Director for the January 1, 2017, through December 31, 2019, monitoring period, in violation of 30 Tex. Admin. Code §§ 290.106(e) and 290.107(e).
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide the results of nitrate, SOC5, and VOC contaminants sampling to the Executive Director for the January 1, 2019, through December 31, 2019, monitoring period, 30 Tex. ADMIN. CODE §§ 290.106(e) and 290.107(e).
- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12298 for calendar years 2016 through 2019, in violation of Tex. WATER CODE § 5.702 and 30 Tex. Admin. Code § 291.76.
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to pay Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92200148 for Fiscal Years 2017 through 2020, in violation of Tex. WATER CODE § 5.702 and 30 Tex. ADMIN. CODE § 290.51(a)(6).
- 9. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.104(b)(2).
- 10. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Health & Safety Code § 341.049 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
- 11. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 12. An administrative penalty in the amount of three thousand seven hundred nineteen dollars (\$3,719.00) 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).
- 13. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

#### NOW. THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL OUALITY ORDERS that:

- 1. Respondent is assessed an administrative penalty in the amount of three thousand seven hundred nineteen dollars (\$3,719.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
- 2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION; Docket No. 2020-1394-PWS-E" to:

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

- 3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Ensure that all delinquent drinking water chemical analysis results, including for nitrate, SOC contaminants (Methods 504, 515, and 531 and Group 5), VOC contaminants, minerals, and radionuclides, are reported to the Executive Director, or demonstrate that a compliance schedule has been established for reporting these results to the Executive Director, in accordance with 30 Tex. ADMIN. CODE §§ 290.106, 290.107, and 290.108; (Conclusions of Law Nos. 2,5, and 6)
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and oversight to ensure that all future drinking water chemical samples are collected and the results, including for nitrate, SOC contaminants (Methods 504, 515, and 531 and Group 5), VOC contaminants, minerals, and radionuclides, are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the Facility, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 Tex. ADMIN. CODE §§ 290.106, 290.107, and 290.108; (Conclusions of Law Nos. 2, 5, and 6)
    - iii. Provide public notifications and submit copies of the public notifications, accompanied with signed Certificates of Delivery, to the Executive Director regarding the failure to provide the results of radionuclides contaminants sampling to the Executive Director for the January 1, 2016 through December 31, 2018 monitoring period and regarding the failure to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on September 21, 2017, October 25, 2017, and April 25, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected, in accordance with 30 Tex. Admin. Code § 290.122; (Conclusions of Law Nos. 3 and 4)
    - iv. Implement procedures to ensure all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122; (Conclusions of Law Nos. 3 and 4)
    - v. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 12298 for calendar years 2016 through 2019. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be sent to: (Conclusions of Law No. 7)

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

- vi. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92200148. The payment shall be sent with the notation "CIRLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION, Financial Administration Account No. 92200148" to the address listed in Ordering Provision No. 3.a.v. (Conclusions of Law No. 8)
- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.vi. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

Enforcement Division, MC 149A Texas Commission on Environmental Quality 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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

# CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION Docket No. 2020-1394-PWS-E Page $6\,$

- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
- 8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. Admin. Code § 70.106(d) and Tex. Gov't Code § 2001.144.

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#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTA	L QUALITY	
For the Commission	Date	

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



#### UNSWORN DECLARATION OF CASEY KURNATH

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 25, 2022.

The EDPRP was hand delivered to Respondent at their address on May 26, 2022.

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

"My name is Casey Kurnath and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County, State of Texas, on the 24th day of June, 2022

Casey Kurnath

Declarant

## UNSWORN DECLARATION OF ERIC WALLACE LEIGH

"On May 26, 2022, on behalf of the Executive Director of the Texas Commission on Environmental Quality ("TCEQ"), I hand delivered the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of CIRCLE "R" RANCHETTES RECREATION AND COMMUNITY CORPORATION" ("EDPRP") to Jason Brandon, Director of Circle R Ranchettes Recreation and Community Corporation.

On May 26, 2022, at approximately 10:00 a.m., on behalf of the Executive Director of the TCEQ, I arrived at the 6103 Circle R Road North, Fort Worth, Texas, where I met Jason Brandon, to personally deliver the EDPRP. The EDPRP was hand delivered to Mr. Brandon."

"My name is Eric Wallace Leigh and
I am an employee of the following governmental
agency: Texas Commission on Environmental Quality.
I am executing this declaration as part of my assigned duties
and responsibilities. I declare under penalty of perjury
that the foregoing is true and correct."

Executed in Tarrant County, State of Texas, on the 17th day of August, 2022

Declarant