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Executive Summary – Enforcement Matter – Case No. 60096
Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
RN101278018
Docket No. 2020-1507-MLM-E

Order Type:
Default Order

Media:
MLM: PWS and WR

Small Business:
Yes

Location Where Violation Occurred:
North County Road 1540 approximately 0.3 mile south of United States Highway 84,
Shallowater, Lubbock County

Type of Operation:
public water supply and water rights

Other Significant Matters:
Additional Pending Enforcement Actions: 2019-0776-PWS-E
Past-Due Penalties: None
Past-Due Fees: \$800.45 (Account No. 91520198)
Other: None
Interested Third Parties: None

Texas Register Publication Date: November 19, 2021

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,520
Total Paid to General Revenue: \$0
Total Due to General Revenue: \$3,520

Compliance History Classifications:
Person/CN - N/A (CN605458785); N/A (CN604928465)
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 30, 2020 through October 9, 2020
Date(s) of NOV(s): N/A
Date(s) of NOE(s): November 25, 2020

Violation Information

1. Failed to use an approved chemical or media for the treatment of potable water that conforms to the ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals [30 TEX. ADMIN. CODE § 290.42(j)].
2. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
3. Failed to provide a well capacity of 1.5 gpm per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i)].
4. 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)].
5. Failed to pay Public Health Service fees, and/or associated late fees, for TCEQ Financial Administration Account No. 91520198 for Fiscal Years 2019 and 2020 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].
6. Failed to review and update, as appropriate, the drought contingency plan at least every five years [30 TEX. ADMIN. CODE § 288.20(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days begin using a disinfectant that is ANSI/NSF Standard 60 certified.
2. Within 30 days review and update as appropriate, the drought contingency plan.
3. Within 30 days submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91520198.
4. Within 60 days begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.
5. Within 90 days 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.
6. Within 180 days provide a well capacity of at least 1.5 gpm per connection.
7. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1 and 2;
 - b. Within 75 days for Technical Requirement No. 4;
 - c. Within 105 days for Technical Requirement No. 5; and
 - d. Within 195 days for Technical Requirement No. 6.

Litigation Information

Date Petition(s) Filed: May 19, 2021; July 13, 2021
Date Green Card(s) Signed: unclaimed; unclaimed
Date Answer(s) Filed: N/A

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Executive Summary – Enforcement Matter – Case No. 60096
Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
RN101278018
Docket No. 2020-1507-MLM-E

Contact Information

TCEQ Attorneys: Judy Bohr, Litigation, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

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

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement, (361) 825-3421

TCEQ Regional Contact: Jay Keith, Lubbock Regional Office, (806) 796-7092

Respondent Contact: Heidi Fensterbush and Michael D. Fensterbush, 7506 North County Road 1540 Unit 23, Shallowater, Texas 79363-3739

Heidi Fensterbush and Michael D. Fensterbush, 7506 North County Road 1540 Unit 16, Shallowater, Texas 79363-3739

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	23-Nov-2020	Screening	23-Nov-2020	EPA Due	
	PCW	23-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Reg. Ent. Ref. No.	RN101278018
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60096	No. of Violations	1
Docket No.	2020-1507-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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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	60.0% Adjustment	Subtotals 2, 3, & 7	\$150
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Notes: Enhancement for one agreed order without a denial of liability and one adjudicated final court judgment.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do 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: \$2
 Estimated Cost of Compliance: \$50
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$400
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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:

Final Penalty Amount	\$400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$400
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$400
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Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101278018			
Media	Water Rights			
Enf. Coordinator	Epifanio Villarreal			

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	1	35%
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) 60%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one agreed order without a denial of liability and one adjudicated final court judgment.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 60%

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101278018			
Media	Water Rights			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 288.20(c)

Violation Description

Failed to review and update, as appropriate, the drought contingency plan at least every five years.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>

Percent

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	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

Notes The Respondents do 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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
Media Violation No. Water Rights
 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)	\$50	30-Sep-2020	1-Jul-2021	0.75	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount to review the drought contingency plan and update as needed, 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 \$2



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	23-Nov-2020	Screening	23-Nov-2020	EPA Due	
	PCW	23-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Reg. Ent. Ref. No.	RN101278018
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60096	No. of Violations	5
Docket No.	2020-1507-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,950
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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	60.0% Adjustment	Subtotals 2, 3, & 7	\$1,170
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Notes: Enhancement for one agreed order without a denial of liability and one adjudicated final court judgment.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do 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: \$424
 Estimated Cost of Compliance: #NAME?
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,120
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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:

Final Penalty Amount	\$3,120
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,120
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$3,120
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Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

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	1	35%
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) 60%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one agreed order without a denial of liability and one adjudicated final court judgment.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 60%

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 290.42(j)
Violation Description	Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, Great Value 7.5% sodium hypochlorite was being mixed with water for use as a liquid disinfectant in the hypochlorinator, which does not conform to ANSI/NSF Standard 60.
Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%
Matrix Notes	Failure to use an approved chemical or media could result in persons served by the Facility being exposed 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 54 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5 **Violation Final Penalty Total** \$240

This violation Final Assessed Penalty (adjusted for limits) \$240

Economic Benefit Worksheet

Respondent Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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)	\$125	30-Sep-2020	1-Jul-2021	0.75	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that all chemicals or media are ANSI/NSF Standard 60 certified, 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

\$125

TOTAL

\$5

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>

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"/>
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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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	30-Sep-2020	1-Aug-2021	0.84	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, 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 \$8

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility had 36 connections requiring a well capacity of 54 gpm. However, only 22 gpm were provided, indicating a 59% deficiency.

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" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>

>> 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

Failure to provide adequate well capacity could expose persons served by the Facility to contaminants which would 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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended, calculated from the September 30, 2020 investigation to the November 23, 2020 screening date.

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

The Respondents do 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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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	\$5,000	30-Sep-2020	1-Dec-2021	1.17	\$19	\$390	\$409
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a well capacity of at least 1.5 gpm per connection, 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

\$5,000

TOTAL

\$409

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

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

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

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"/>
annual	<input type="text"/>
single event	<input 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 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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
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)	\$40	30-Sep-2020	1-Sep-2021	0.92	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount 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, 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 \$40

TOTAL \$2

Screening Date	23-Nov-2020	Docket No.	2020-1507-MLM-E	PCW
Respondent	Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60096			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101278018			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702			
Violation Description	Failed to pay Public Health Service fees, and/or associated late fees, for TCEQ Financial Administration Account No. 91520198 for Fiscal Years 2019 and 2020.			
		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	
					Percent 0.0%

Matrix Notes

Adjustment \$5,000

\$0

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 type="text"/>

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply **0.0%** 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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$0

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$0
This violation Final Assessed Penalty (adjusted for limits) \$0	

Economic Benefit Worksheet

Respondent Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates
Case ID No. 60096
Reg. Ent. Reference No. RN101278018
Media Violation No. Public Water Supply
 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

N/A

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

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

The TCEQ is committed to accessibility. To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN605458785, RN101278018, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605458785, Fensterbush, Heidi **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101278018, VALLEY ESTATES **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: LOCATED ON NORTH COUNTY ROAD 1540 APPROXIMATELY 0.3 MILES SOUTH OF UNITED STATES HIGHWAY 84 IN SHALLOWATER, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1520198

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

Date Compliance History Report Prepared: March 22, 2021

Agency Decision Requiring Compliance History: Enforcement

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

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: EPI VILLARREAL **Phone:** (361) 825-3421

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? FENSTERBUSH, HEIDI OWNER since 1/24/2018
FENSTERBUSH, MICHAEL D OWNER since 1/24/2018
- 4) Who was/were the prior owner(s)/operator(s)? SULLIVAN, RICHARD, OWNER OPERATOR, 1/1/1800 to 1/23/2018
SULLIVAN, ELDEANE A, OWNER, 9/15/2004 to 1/23/2018

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

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

- 1 Effective Date: 05/03/2018 COURTOORDER (Final Judgement-After Hearing/Trial)
 - 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: On June 12, 2012, and September 18, 2014, a TCEQ investigator requested to review the Valley Estates' records of pressure tank inspections. Defendants failed to provide any records of the pressure tank inspections at Valley Estates. Undisputed facts show that Defendants violation the TCEQ rules concerning records of tank inspections at Valley Estates on at least two days.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 - Description: On June 12, 2012, areas of wiring at Valley Estates' well was not placed in conduit. Undisputed facts show that Defendants violated TCEQ rules concerning electrical wiring at Valley Estates on at least one day.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: On June 12, 2012, pursuant to a TCEQ investigator's request to review Valley Estates' operating records, Defendants failed to provide weekly records of the volume of water treated at Valley Estates. Further, Defendants admitted

that on June 12, 2012, there were not records documenting the volume of water treated at Valley Estates each week. Undisputed facts show that Defendants violated TCEQ rules concerning operating records at Valley Estates on at least one day.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)

Description: On June 12, 2012, a TCEQ investigator observed, and Defendants admitted, that Valley Estates' Taylor DPD chlorine measuring device ranged from 0.1 to 2.0 mg/L and was not accurate to within plus or minus 0.1 mg/L. Further, on September 24, 2018, a TCEQ investigator observed that the ExStik CL200A, that was used at Valley Estates in conjunction

with the Taylor DPD chlorine measuring device, did not have the ability to sample for free chlorine or chloramine residuals within plus or minus 0.1 mg/L.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Since February 27, 2013, until June 30, 2015, Valley Estates was not operated by an individual, or under the supervision of an individual, with a Class D or higher licensed water works operator. Undisputed facts show that Defendants violated TCEQ rules relating to employment of a licensed operator at Valley Estates for at least 854 days.

Classification: Moderate

Citation: 30 TAC Chapter 288, SubChapter B 288.20

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

Description: On September 18, 2014, pursuant to a TCEQ investigator's request to review the drought contingency plan, Defendants failed to provide any drought contingency plan for Valley Estates. Undisputed facts shows that Defendants violated TCEQ rules concerning drought contingency plans at Valley Estates on at least one day.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)

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

30 TAC Chapter 290, SubChapter F 290.121(a)

Description: On September 18, 2014, a TCEQ investigator requested to review Valley Estates' monitoring plan. Defendants failed to provide any monitoring plan for Valley Estates. Undisputed facts show that Defendants violation TCEQ rules concerning monitoring plans at Valley Estates on at least one day.

2 Effective Date: 05/12/2020 ADMINORDER 2018-1623-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)

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

Description: UR MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

Classification: Moderate

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

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

Description: SEL MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

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

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

Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate

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

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

Description: FLU MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 4.9 mg/L.

Classification: Moderate

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

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

Description: SEL MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

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

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

Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: FLU MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 5.0 mg/L.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: UR MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SEL/ARS/FLU MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for selenium, arsenic and fluoride during the first quarter of 2018.

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 2nd 6M2017 - 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 07/01/2017 to 12/31/2017.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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 NOV's Issued During Component Period 3/22/2016 and 3/22/2021

1 Date: 06/01/2016 (1343870)

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 Description: Failure to maintain the required minimum free chlorine residual of 0.2 milligrams per liter (mg/L) throughout the distribution system at all times.

2 Date: 10/20/2017 (1446651) Classification: Minor

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to provide adequate maintenance. Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate well flow meters every three years.

3 Date: 03/22/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: SEL MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L. Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L. Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: FLU MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 5.0 mg/L.

4 Date: 05/08/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
 30 TAC Chapter 290, SubChapter F 290.117(j)
 Description: LCR LCN 2nd 6M2017 - 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 07/01/2017 to 12/31/2017.

5 Date: 05/18/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: UR MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

6 Date: 06/13/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: SEL MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L. Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)

Description: 5A THSC Chapter 341, SubChapter A 341.0315(c)
 ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.
 Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: FLU MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 4.9 mg/L.

7 Date: 07/11/2018 (1507286)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SEL/ARS/FLU MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for selenium, arsenic and fluoride during the first quarter of 2018.

8 Date: 07/31/2018 (1507286)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: UR MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

9 Date: 10/23/2018 (1569777)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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: ARS MR 1Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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: FLU MR 1Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 1Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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: SEL MR 1Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018

within the required timeline.

- 10 Date: 11/06/2018 (1569777) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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)
- Description: LCR RT MR 1st 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2018 to 06/30/2018 within the required timeline.
- 11 Date: 02/22/2019 (1569777) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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: ARS MR 3Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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: ARS MR 2Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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: FLU MR 3Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- 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: FLU MR 2Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
- Description: RAD MR 3Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)
- Description: RAD MR 2Q2018 - The system failed to monitor and/or report radionuclide levels

to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 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: SEL MR 3Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 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: SEL MR 2Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

12 Date: 03/08/2019 (1569777)

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 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)
 Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.

13 Date: 05/09/2019 (1569777)

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 4Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 3Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 2Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MR PN 4Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: FLU MR PN 3Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: FLU MR PN 2Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: RAD MR PN 4Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: RAD MR PN 3Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: RAD MR PN 2Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: ARS MR PN 4Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: ARS MR PN 3Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: ARS MR PN 2Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: VOC MR PN YR2017 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 volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: NO3 MR PN YR2017 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 nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DBP2 MR PN YR2017 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 byproducts monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SOC Group SOC5 MR PN YR2017 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 (group SOC5) monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.

* NOV's applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B
All Investigations Conducted During Component Period March 22, 2016 and March 22, 2021**

- Item 1 July 29, 2016** (1343870) For Informational Purposes Only
- Item 2 October 20, 2017** (1446651) For Informational Purposes Only
- Item 3 December 20, 2017** (1460022) For Informational Purposes Only
- Item 4 April 25, 2018** (1482389) For Informational Purposes Only
- (1507286)

Item 5	August 10, 2018**	For Informational Purposes Only (1569777)
Item 6	May 28, 2019**	For Informational Purposes Only (1570358)
Item 7	May 31, 2019**	For Informational Purposes Only (1679922)
Item 8	November 20, 2020	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

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Compliance History Report

Compliance History Report for CN604928465, RN101278018, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604928465, Fensterbush, Michael D
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101278018, VALLEY ESTATES
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: LOCATED ON NORTH COUNTY ROAD 1540 APPROXIMATELY 0.3 MILES SOUTH OF UNITED STATES HIGHWAY 84 IN SHALLOWATER, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
 1520198

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

Date Compliance History Report Prepared: March 22, 2021

Agency Decision Requiring Compliance History: Enforcement

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

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: EPI VILLARREAL **Phone:** (361) 825-3421

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? FENSTERBUSH, HEIDI OWNER since 1/24/2018
 FENSTERBUSH, MICHAEL D OWNER since 1/24/2018
- 4) Who was/were the prior owner(s)/operator(s)? SULLIVAN, RICHARD, OWNER OPERATOR, 1/1/1800 to 1/23/2018
 SULLIVAN, ELDEANE A, OWNER, 9/15/2004 to 1/23/2018

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

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

- 1 Effective Date: 05/03/2018 COURTORDER (Final Judgement-After Hearing/Trial)
 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: On June 12, 2012, and September 18, 2014, a TCEQ investigator requested to review the Valley Estates' records of pressure tank inspections. Defendants failed to provide any records of the pressure tank inspections at Valley Estates. Undisputed facts show that Defendants violation the TCEQ rules concerning records of tank inspections at Valley Estates on at least two days.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: On June 12, 2012, areas of wiring at Valley Estates' well was not placed in conduit. Undisputed facts show that Defendants violated TCEQ rules concerning electrical wiring at Valley Estates on at least one day.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 Description: On June 12, 2012, pursuant to a TCEQ investigator's request to review Valley Estates' operating records,

Defendants failed to provide weekly records of the volume of water treated at Valley Estates. Further, Defendants admitted that on June 12, 2012, there were not records documenting the volume of water treated at Valley Estates each week. Undisputed facts show that Defendants violated TCEQ rules concerning operating records at Valley Estates on at least one day.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)

Description: On June 12, 2012, a TCEQ investigator observed, and Defendants admitted, that Valley Estates' Taylor DPD chlorine measuring device ranged from 0.1 to 2.0 mg/L and was not accurate to within plus or minus 0.1 mg/L. Further, on September 24, 2018, a TCEQ investigator observed that the ExStik CL200A, that was used at Valley Estates in conjunction with the Taylor DPD chlorine measuring device, did not have the ability to sample for free chlorine or chloramine residuals within plus or minus 0.1 mg/L.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

Description: Since February 27, 2013, until June 30, 2015, Valley Estates was not operated by an individual, or under the supervision of an individual, with a Class D or higher licensed water works operator. Undisputed facts show that Defendants violated TCEQ rules relating to employment of a licensed operator at Valley Estates for at least 854 days.

Classification: Moderate

Citation: 30 TAC Chapter 288, SubChapter B 288.20

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

Description: On September 18, 2014, pursuant to a TCEQ investigator's request to review the drought contingency plan, Defendants failed to provide any drought contingency plan for Valley Estates. Undisputed facts shows that Defendants violated TCEQ rules concerning drought contingency plans at Valley Estates on at least one day.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(c)

Description: On September 18, 2014, a TCEQ investigator requested to review Valley Estates' monitoring plan. Defendants failed to provide any monitoring plan for Valley Estates. Undisputed facts show that Defendants violation TCEQ rules concerning monitoring plans at Valley Estates on at least one day.

2 Effective Date: 05/12/2020 ADMINORDER 2018-1623-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)

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

Description: UR MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

Classification: Moderate

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

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

Description: SEL MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

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

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

Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate

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

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

Description: FLU MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 4.9 mg/L.

Classification: Moderate

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

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

Description: SEL MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

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

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

Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate

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

Description: FLU MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 5.0 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: UR MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SEL/ARS/FLU MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for selenium, arsenic and fluoride during the first quarter of 2018.

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 2nd 6M2017 - 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 07/01/2017 to 12/31/2017.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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 NOV's Issued During Component Period 3/22/2016 and 3/22/2021

1 Date: 06/01/2016 (1343870)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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

Description: Failure to maintain the required minimum free chlorine residual of 0.2 milligrams per liter (mg/L) throughout the distribution system at all times.

2 Date: 10/20/2017 (1446651) Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to provide adequate maintenance.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to calibrate well flow meters every three years.

3 Date: 03/22/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Description: SEL MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Description: FLU MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 5.0 mg/L.

4 Date: 05/08/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN 2nd 6M2017 - 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 07/01/2017 to 12/31/2017.

5 Date: 05/18/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)

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

Description: UR MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

6 Date: 06/13/2018 (1507286) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Description: SEL MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for selenium with a RAA of 0.08 mg/L.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for arsenic with a RAA of 0.016 mg/L.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: FLU MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for fluoride with a RAA of 4.9 mg/L.

7 Date: 07/11/2018 (1507286)

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL/ARS/FLU MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for selenium, arsenic and fluoride during the first quarter of 2018.

8 Date: 07/31/2018 (1507286)

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: UR MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for combined uranium with a RAA of 50 Ug/L.

9 Date: 10/23/2018 (1569777)

Classification: Moderate

Self Report? NO For Informational Purposes Only
 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: ARS MR 1Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 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: FLU MR 1Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 30 TAC Chapter 290, SubChapter F 290.108(e)
 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)
 Description: RAD MR 1Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 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: SEL MR 1Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018 within the required timeline.

10 Date: 11/06/2018 (1569777)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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)

Description: LCR RT MR 1st 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2018 to 06/30/2018 within the required timeline.

11

Date: 02/22/2019 (1569777)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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: ARS MR 3Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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: ARS MR 2Q2018 - The system failed to monitor and/or report arsenic levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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: FLU MR 3Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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: FLU MR 2Q2018 - The system failed to monitor and/or report fluoride levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)
30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 2Q2018 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 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: SEL MR 3Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 07/01/2018 to 09/30/2018 within the required timeline.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 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: SEL MR 2Q2018 - The system failed to monitor and/or report selenium levels to the TCEQ for the quarterly monitoring period from 04/01/2018 to 06/30/2018 within the required timeline.

12 Date: 03/08/2019 (1569777) Classification: Moderate

Self Report? NO For Informational Purposes Only
 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)
 Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.

13 Date: 05/09/2019 (1569777) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 4Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 3Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: SEL MR PN 2Q2017 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 selenium monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MR PN 4Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MR PN 3Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: FLU MR PN 2Q2017 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 fluoride monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: RAD MR PN 4Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: RAD MR PN 3Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: RAD MR PN 2Q2017 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 radionuclide monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: ARS MR PN 4Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 10/01/2017 to 12/31/2017.

Classification: Moderate

Self Report? NO **For Informational Purposes Only**
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: ARS MR PN 3Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 07/01/2017 to 09/30/2017.
 Classification: Moderate

Self Report? NO **For Informational Purposes Only**

- Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: ARS MR PN 2Q2017 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 an arsenic monitoring and reporting violation for the quarterly monitoring period from 04/01/2017 to 06/30/2017.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: VOC MR PN YR2017 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 volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: NO3 MR PN YR2017 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 nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: DBP2 MR PN YR2017 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 byproducts monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: SOC Group SOC5 MR PN YR2017 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 (group SOC5) monitoring and reporting violation for the annual monitoring period from 01/01/2017 to 12/31/2017.

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B
All Investigations Conducted During Component Period March 22, 2016 and March 22, 2021

- (1343870)
Item 1 July 29, 2016** For Informational Purposes Only
- (1446651)
Item 2 October 20, 2017** For Informational Purposes Only
- (1460022)
Item 3 December 20, 2017** For Informational Purposes Only
- (1482389)
Item 4 April 25, 2018** For Informational Purposes Only
- (1507286)
Item 5 August 10, 2018** For Informational Purposes Only

Item 6	May 28, 2019**	(1569777) For Informational Purposes Only
Item 7	May 31, 2019**	(1570358) For Informational Purposes Only
Item 8	November 20, 2020	(1679922) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING HEIDI FENSTERBUSH DBA VALLEY ESTATES AND MICHAEL D. FENSTERBUSH DBA VALLEY ESTATES; RN101278018	§ § § § § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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DEFAULT ORDER

DOCKET NO. 2020-1507-MLM-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 5 and 11 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates (collectively “Respondents”).

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

FINDINGS OF FACT

1. Respondents own and operate a public water system and mobile home park located on North County Road 1540, approximately 0.3 mile south of United States Highway 84 in Shallowater, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 36 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility is registered with the Public Utility Commission (CCN No. 13262) and for compensation supplies water to the public for human consumption. Therefore, the Facility is a retail public water supply as defined under 30 TEX. ADMIN. CODE § 288.1(19) and is required to develop a drought contingency plan under TEX. WATER CODE § 11.1272.
2. During an investigation conducted September 30, 2020 to October 9, 2020, an investigator documented that Respondents:
 - a. Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation (“ANSI/NSF”) Standard 60 for Drinking Water Treatment Chemicals. Specifically, Great Value 7.5% sodium hypochlorite was being mixed with water for use as a liquid disinfectant in the hypochlorinator, which does not conform to ANSI/NSF Standard 60.
 - b. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference.
 - c. Failed to provide a well capacity of 1.5 gallons per minute (“gpm”) per connection. Specifically, the Facility had 36 connections requiring a capacity of 54 gpm. However, only 22 gpm were provided, indicating a 59% deficiency.

- d. 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. Specifically, the Customer Service Agreement signed by new customers of Valley Estates still references the old lead content of 8.0%.
 - e. Failed to pay Public Health Service fees, and/or associated late fees, for TCEQ Financial Administration Account No. 91520198 for Fiscal Years 2019 and 2020.
 - f. Failed to review and update, as appropriate, the drought contingency plan at least every five years.
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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates” (the “EDPRP”) in the TCEQ Chief Clerk’s office on May 19, 2021.
 4. The EDPRP was mailed to Respondents’ last known address on May 19, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
 5. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on July 13, 2021.
 6. By letter dated July 13, 2021, sent to Respondents’ last known addresses via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Respondents received notice of the EDPRP.
 7. More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 5 and 11 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to use an approved chemical or media for the treatment of potable water that conforms to the ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to provide a well capacity of 1.5 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i).
5. As evidenced by Finding of Fact No. 2.d., Respondents 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).
6. As evidenced by Finding of Fact No. 2.e., Respondents failed to pay Public Health Service fees, and/or associated late fees, for TCEQ Financial Administration Account No. 91520198 for Fiscal Years 2019 and 2020, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).

7. As evidenced by Finding of Fact No. 2.f., Respondents failed to review and update, as appropriate, the drought contingency plan at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c).
8. As evidenced by Finding of Fact Nos. 3 through 6, the Executive Director timely served Respondents with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
9. As evidenced by Finding of Fact No. 7, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondents 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.
11. An administrative penalty in the amount of three thousand five hundred twenty dollars (\$3,520.00) 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).
12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty in the amount of three thousand five hundred twenty dollars (\$3,520.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' 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: Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates; Docket No. 2020-1507-MLM-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. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin using a disinfectant that is ANSI/NSF Standard 60 certified, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Review and update as appropriate, the drought contingency plan, in accordance with 30 TEX. ADMIN. CODE § 288.20; and

- iii. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91520198. The payment shall be sent with the notation "Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates, Account No. 91520198" to:

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

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. below to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii.
- c. Within 60 days after the effective date of this Order, begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. below to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 90 days after the effective date of this Order, 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.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. below to demonstrate compliance with Corrective Action Ordering Provision No. 3.e.
- g. Within 180 days after the effective date of the Commission Order, provide a well capacity of at least 1.5 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. below, to demonstrate compliance with Corrective Action Ordering Provision No. 3.g.
- i. 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 Respondents, and shall include the following certification language:

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

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

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

and:

Section Manager, Public Drinking Water
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 Respondents. Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondents if the Executive Director determines that Respondents have 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF ROSLYN DUBBERSTEIN

"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 Heidi Fensterbush dba Valley Estates and Michael D. Fensterbush dba Valley Estates" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 19, 2021.

The EDPRP was mailed to Respondents' last known address on May 19, 2021, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 13, 2021.

The EDPRP was mailed to Respondents' last known addresses on July 13, 2021, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondents received notice of the EDPRP in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

"My name is Roslyn M. Dubberstein, 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 19th day of October, 2021

A handwritten signature in black ink, appearing to read "RS Dubberstein".

Declarant