

Executive Summary – Enforcement Matter – Case No. 60406
NORTHERN HILLS DEVELOPMENT CO., INC.
RN101267565
Docket No. 2021-0274-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Northern Hills Water Service, located 0.2 miles north of the intersection of Allred Circle and Stinson Road, Denison, Grayson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 3, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,297

Amount Deferred for Expedited Settlement: \$2,259

Total Paid to General Revenue: \$298

Total Due to General Revenue: \$8,740

Payment Plan: 30 payments of \$288 each and one final payment of \$100

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 16, 2020 to December 22, 2020 and February 21, 2021

Date(s) of NOE(s): February 5, 2021

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Violation Information

1. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" license or higher [30 TEX. ADMIN. CODE § 290.46(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
2. Failed to maintain a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c)].
3. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
4. Failed to maintain a water purchase contract available for review to the Executive Director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated [30 TEX. ADMIN. CODE § 290.45(f)(1)].
5. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the Facility did not have records of the amount of water distributed each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, copies of any public notice issued by the water system, results of microbiological analyses, Consumer Confidence Report compliance documentation, results of chemical analyses, any written reports, summaries, or communications relating to sanitary surveys, copies of the Customer Service Inspection reports, any Sample Siting Plans and monitoring plans, and records relating to lead and copper requirements were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(B)(ii), (f)(3)(D)(i), (f)(3)(D)(vii), (f)(3)(E)(ii), (f)(3)(E)(iii), (f)(3)(E)(iv), (f)(3)(E)(ix), and (f)(3)(F)].
6. Failed to create a nitrification action plan for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
7. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
8. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].

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9. 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)].
10. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
11. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
12. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90910126 for Fiscal Years 2019, 2020, and 2021 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90910126;
 - ii. Begin operating the Facility under the direct supervision of a water works operator who hold a class "D" or higher license;
 - iii. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, copies of any public notice issued by the water system, results of microbiological analyses, Consumer Confidence Report compliance documentation, results of chemical analyses, any written reports, summaries, or communications relating to sanitary surveys, copies of the Customer Service Inspection reports, any Sample Siting Plans and monitoring plans, and records relating to lead and copper requirements were not maintained on-site for review;

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- iv. Create a nitrification action plan;
 - v. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive complaint monthly flushing;
 - vi. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;
 - vii. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. This provision will be satisfied upon six consecutive months of compliant monitoring; and
 - viii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
- b. Within 45 days, submit written certification to demonstrate compliance with a.ii. through a.iv., a.vi., and a.viii.
 - c. Within 60 days, develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.
 - d. Within 75 days, submit written certification to demonstrate compliance with c.
 - e. Within 90 days:
 - i. Prepare and adopt a complete drought contingency plan; and
 - ii. 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.
 - f. Within 105 days, submit written certification to demonstrate compliance with e.
 - g. Within 135 days, submit written certification to demonstrate compliance with a.v.
 - h. Within 180 days, to secure a water purchase contract.
 - i. Within 195 days, submit written certification to demonstrate compliance with h.
 - j. Within 225 days, submit written certification to demonstrate compliance with a.vii.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Carlos Molina, Enforcement Division,
Enforcement Team 2, MC 219, (512) 239-2557; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: R. Bruce Wilkins, President, NORTHERN HILLS DEVELOPMENT CO.,
INC., 21306 Park Royale Drive, Katy, Texas 77450

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	8-Feb-2021			
	PCW	9-Feb-2021	Screening	16-Feb-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)				
Reg. Ent. Ref. No.	RN101267565				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	60406	No. of Violations	11		
Docket No.	2021-0274-MLM-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media	Water Rights	Enf. Coordinator	Carlos Molina		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,775
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,430
 Estimated Cost of Compliance: \$8,808
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,775
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OTHER FACTORS AS JUSTICE MAY REQUIRE	131.4%	Adjustment	\$6,272
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 8, and 10.

Final Penalty Amount	\$11,047
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,047
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,209
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,838
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Screening Date 16-Feb-2021

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PCW

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)

Case ID No. 60406

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101267565

PCW Revision September 1, 2019

Media Public Water Supply

Enf. Coordinator Carlos Molina

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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 0%

>> 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

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 16-Feb-2021

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PCW

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)

Policy Revision 4 (April 2014)

Case ID No. 60406

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101267565

Media Public Water Supply

Enf. Coordinator Carlos Molina

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(3)(A) and Tex. Health & Safety Code § 341.033(a)

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

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					15.0%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 Number of violation days 62

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the December 16, 2020 investigation date to the February 16, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,161

Violation Final Penalty Total \$3,470

This violation Final Assessed Penalty (adjusted for limits) \$3,470

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$36,192	16-Dec-2020	16-Feb-2021	0.17	\$13	\$6,148	\$6,161
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

The avoided cost includes the estimated annual salary of a water works operator who holds a minimum of a Class "D" or higher license, calculated from the investigation date to the screening date.

Approx. Cost of Compliance	\$6,148	TOTAL	\$6,161
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Screening Date 16-Feb-2021
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

Docket No. 2021-0274-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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"/>

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="checkbox"/>	

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 NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E **PCW**
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

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

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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<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 NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	16-Dec-2020	5-Jan-2022	1.05	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and maintain a thorough and up-to-date plant operations manual, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$9

Screening Date 16-Feb-2021
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

Docket No. 2021-0274-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>

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 NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
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)	\$1,500	16-Dec-2020	5-May-2022	1.38	\$104	n/a	\$104

Notes for DELAYED costs

The delayed cost includes the estimated amount to secure a water purchase contract, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$104

Screening Date 16-Feb-2021

Docket No. 2021-0274-MLM-E

PCW

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)

Policy Revision 4 (April 2014)

Case ID No. 60406

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101267565

Media Public Water Supply

Enf. Coordinator Carlos Molina

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(B)(ii), (f)(3)(D)(i), (f)(3)(D)(vii), (f)(3)(E)(ii), (f)(3)(E)(iii), (f)(3)(E)(iv), (f)(3)(E)(ix), and (f)(3)(F)

Violation Description Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the Facility did not have records of the amount of water distributed each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, copies of any public notice issued by the water system, results of microbiological analyses, Consumer Confidence Report compliance documentation, results of chemical analyses, any written reports, summaries, or communications relating to sanitary surveys, copies of the Customer Service Inspection reports, any Sample Siting Plans and monitoring plans, and records relating to lead and copper requirements were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (2.5%).

Matrix Notes Between 30% and 70% of the rule requirements were not met.

Adjustment \$4,875

\$125

Violation Events

Number of Violation Events 1 62 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and checkboxes.

Violation Base Penalty \$125

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and checkboxes.

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

Violation Subtotal \$125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$289

This violation Final Assessed Penalty (adjusted for limits) \$289

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$120	16-Dec-2020	5-Dec-2021	0.97	\$6	n/a	\$6
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by that Executive Director, calculated from investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$120

TOTAL

\$6

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E **PCW**
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

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

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.46(z)
Violation Description Failed to create a nitrification action plan for all systems distributing chloraminated water.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9 **Violation Final Penalty Total** \$578

This violation Final Assessed Penalty (adjusted for limits) \$578

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	16-Dec-2020	5-Dec-2021	0.97	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to create a nitrification action plan, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$9

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

PCW

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

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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)	\$100	16-Dec-2020	5-Mar-2022	1.22	\$6	n/a	\$6

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a monthly flushing program, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E **PCW**
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

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

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)
Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days could expose persons served by the Facility to contaminants which would exceed levels protective of human health.					

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 62 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the December 16, 2020 investigation date to the February 16, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$3,470

This violation Final Assessed Penalty (adjusted for limits) \$3,470

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	16-Dec-2020	5-Dec-2021	0.97	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to monitor the disinfectant residual at least once every seven days (\$10 per week), calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$10	16-Dec-2020	16-Feb-2021	0.17	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to monitor the disinfectant residual at least once every seven days (\$10 per week), calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$20

TOTAL

\$10

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E **PCW**
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input 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 NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	16-Dec-2020	5-Feb-2022	1.14	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance, regulations, or service agreement, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$10

Screening Date 16-Feb-2021
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

Docket No. 2021-0274-MLM-E

PCW

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

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)

Violation Description Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.

Base Penalty \$5,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to conduct chloramine effectiveness sampling could lead to nitrification in the distribution system which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 62 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 Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$347

This violation Final Assessed Penalty (adjusted for limits) \$347

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	16-Dec-2020	5-Dec-2021	0.97	\$5	n/a	\$5
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 collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	16-Dec-2020	16-Feb-2021	0.17	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$106

Screening Date 16-Feb-2021 **Docket No.** 2021-0274-MLM-E **PCW**
Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Enf. Coordinator Carlos Molina

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

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)
Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$578

This violation Final Assessed Penalty (adjusted for limits) \$578

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 1)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Public Water Supply
Violation No. 11

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	16-Dec-2020	5-Dec-2021	0.97	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$9



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Feb-2021			
	PCW	16-Mar-2021	Screening	16-Feb-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 2)				
Reg. Ent. Ref. No.	RN101267565				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	60406	No. of Violations	1		
Docket No.	2021-0274-MLM-E	Order Type	1660		
Media Program(s)	Water Rights	Government/Non-Profit	No		
Multi-Media	Public Water Supply	Enf. Coordinator	Carlos Molina		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
-------------------------------------------------------------	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
------------------------------------------------------	-------------------	-----

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$21
 Estimated Cost of Compliance: \$360
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---------------------------------------------	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$50
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$200
------------------------	-------

Screening Date 16-Feb-2021

Docket No. 2021-0274-MLM-E

PCW

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 2)

Policy Revision 4 (April 2014)

Case ID No. 60406

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101267565

Media Water Rights

Enf. Coordinator Carlos Molina

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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 0%

>> 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

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 16-Feb-2021

Docket No. 2021-0274-MLM-E

PCW

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 2)

Policy Revision 4 (April 2014)

Case ID No. 60406

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101267565

Media Water Rights

Enf. Coordinator Carlos Molina

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c)

Violation Description Failed to maintain a drought contingency plan which includes all elements for municipal use by a retail public supplier.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 62

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent NORTHERN HILLS DEVELOPMENT CO., INC. (PCW 2)
Case ID No. 60406
Reg. Ent. Reference No. RN101267565
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$360	16-Dec-2020	5-Feb-2022	1.14	\$21	n/a	\$21

Notes for DELAYED costs

The delayed cost includes the estimated amount to draft and adopt a drought contingency plan, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$360

TOTAL

\$21



Compliance History Report

Compliance History Report for CN600698138, RN101267565, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600698138, Northern Hills Development Co., Inc. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101267565, NORTHERN HILLS WATER SERVICE **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 0.2 MILES NORTH OF THE INTERSECTION OF ALLRED CIRCLE AND STINSON ROAD IN DENISON, GRAYSON COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0910126 WATER LICENSING LICENSE 0910126

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

Date Compliance History Report Prepared: June 17, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 17, 2016 to June 17, 2021

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

Name: Carlos Molina **Phone:** (512) 239-2557

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NORTHERN HILLS
DEVELOPMENT CO., INC.
RN101267565**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0274-MLM-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NORTHERN HILLS DEVELOPMENT CO., INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 5 and 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located 0.2 miles north of the intersection of Allred Circle and Stinson Road in Denison, Grayson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 85 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 adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(52).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 & 11.0842 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 & 11.0842 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 5 and 11, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,297 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$298 of the penalty and \$2,259 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$8,740 of the undeferred penalty shall be paid in 30 monthly payments of \$288 each and one final payment of \$100. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

1. During an investigation conducted from December 16, 2020 to December 22, 2020, an investigator documented that the Respondent:
 - a. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" license or higher, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
 - b. Failed to maintain a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c).
 - c. Failed to compile and 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).

- d. Failed to maintain a water purchase contract available for review to the Executive Director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1).
 - e. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(B)(ii), (f)(3)(D)(i), (f)(3)(D)(vii), (f)(3)(E)(ii), (f)(3)(E)(iii), (f)(3)(E)(iv), (f)(3)(E)(ix), and (f)(3)(F). Specifically, the Facility did not have records of the amount of water distributed each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, copies of any public notice issued by the water system, results of microbiological analyses, Consumer Confidence Report compliance documentation, results of chemical analyses, any written reports, summaries, or communications relating to sanitary surveys, copies of the Customer Service Inspection reports, any Sample Siting Plans and monitoring plans, and records relating to lead and copper requirements were not maintained on-site for review.
 - f. Failed to create a nitrification action plan for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
 - g. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
 - h. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
 - i. 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).
 - j. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5).
 - k. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
2. During a record review conducted on February 21, 2021, an investigator documented that the Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90910126 for Fiscal Years 2019, 2020, and 2021, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NORTHERN HILLS DEVELOPMENT CO., INC., Docket No. 2021-0274-MLM-E" 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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90910126. The payment shall be sent with the notation "NORTHERN HILLS DEVELOPMENT CO., INC., Financial Administration Account No. 90910126 " to the address listed in Ordering Provision No. 1;
 - ii. Begin operating the Facility under the direct supervision of a water works operator who hold a class "D" or higher license, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each week, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation, copies of any public notice issued by the water system, results of microbiological analyses, Consumer Confidence Report compliance documentation, results of chemical analyses, any written reports, summaries, or communications relating to sanitary surveys, copies of the Customer Service Inspection reports, any Sample Siting Plans and monitoring plans, and records relating to lead and copper requirements were not maintained on-site for review, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iv. Create a nitrification action plan, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon three months of consecutive complaint monthly flushing;
 - vi. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - vii. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant monitoring; and
 - viii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii through 2.a.iv, 2.a.vi, and 2.a.viii.
 - c. Within 60 days after the effective date of this Order, develop and 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. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 90 days after the effective date of this Order:
 - i. Prepare and adopt a complete drought contingency plan, in accordance with 30 TEX. ADMIN. CODE §§ 288.20 and 288.30; and
 - ii. 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. 2.j below, and include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.

- g. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.v.
- h. Within 180 days after the effective date of this Order, to secure a water purchase contract, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- i. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 225 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.vii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with Ordering Provision No. 2.e.i in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

12/5/2022

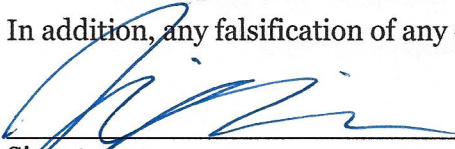
Date

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

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

05/27/22

Date

R. Bruce Wilkins

Name (Printed or typed)

Owner/CEO

Title

Authorized Representative of

NORTHERN HILLS DEVELOPMENT CO., INC.

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.