

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60767  
SHENANDOAH ESTATES WATER CO., INC.  
RN101244408  
Docket No. 2021-0652-PWS-E

Page 1 of 3

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
1.8 miles west of I-35 on County Road 2131, near Valley View, Cooke County

**Type of Operation:**  
public water system

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, 2024-0261-PWS-E  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** July 25, 2025

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$4,392

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$4,392

**Compliance History Classifications:**  
Person/CN – N/A  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date:** June 15, 2021

**Complaint Information:** Fire at facility caused water outage, concern about repairs done by unlicensed individuals

**Dates of Investigation:** April 5, 2021 through May 7, 2021

**Dates of NOV's:** March 31, 2021, April 1, 2021, April 2, 2021

**Date of NOE:** May 7, 2021

**Violation Information**

1. Failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period [30 TEX. ADMIN CODE § 290.106(e)].
2. Failed to provide the results of synthetic organic chemical (“SOC”) contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period [30 TEX. ADMIN CODE §§ 290.106(e) and 290.107(e)].
3. Failed to provide the results of nitrate and volatile organic chemical (“VOC”) contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period [30 TEX. ADMIN CODE §§ 290.106(e) and 290.107(e)].
4. Failed to submit a Disinfection Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020 [30 TEX. ADMIN CODE § 290.110(e)(4)(A) and (f)(3)].
5. Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the fourth quarter of 2019 [30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f)].
6. Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the second quarter of 2017 [30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f)].
7. Failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period [30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f)].

**Corrective Actions/Technical Requirements**

**Corrective Actions Completed:**

1. Provided the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period, as of July 16, 2021.
2. Provided the results of SOC contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period, as of August 24, 2021.
3. Provided the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, as of July 16, 2021.
4. Timely submitted the DLQOR for the second quarter of 2021, as of October 14, 2021.
5. Provided public notifications and submitted copies of the notifications, accompanied with signed Certificates of Delivery, to the Executive Director regarding the failures to submit a DLQOR for the second quarter of 2017 and the fourth quarter of 2019, as of October 4, 2021.
6. Provided public notification and submitted a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period, as of September 1, 2021.

**Technical Requirements:** None

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60767  
SHENANDOAH ESTATES WATER CO., INC.  
RN101244408  
Docket No. 2021-0652-PWS-E

Page 3 of 3

**Litigation Information**

**Date Petition Filed:** December 18, 2023  
**Dates of Service:** December 23, 2023  
**Date Answer Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Benjamin Pence, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Kaisie Hubschmitt, Enforcement Division, (512) 239-1116  
**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent Contact:** Brian Frazier, SHENANDOAH ESTATES WATER CO., INC., P.O. Box 7085,  
Fort Worth, Texas 76111  
**Respondent's Attorney:** N/A

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	17-May-2021	<b>Screening</b>	18-May-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	21-Aug-2023				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SHENANDOAH ESTATES WATER CO., INC.				
<b>Reg. Ent. Ref. No.</b>	RN101244408				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60767	<b>No. of Violations</b>	5
<b>Docket No.</b>	2021-0652-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Claudia Bartley
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,500
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	15.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$525
---------------------------	-------	-------------------	--------------------------------	-------

<b>Notes</b>	Enhancement for three NOV's with the same/similar violations.			
--------------	---	--	--	--

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

<b>Notes</b>	The Respondent does not meet the culpability criteria.			
--------------	--	--	--	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts	\$55	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$404	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,025
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.5%	<b>Adjustment</b>	\$22
---	------	-------------------	------

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to recover the avoided cost associated with Violation No. 4.			
--------------	--	--	--	--

<b>Final Penalty Amount</b>	\$4,047
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,047
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.			
--------------	--	--	--	--

<b>PAYABLE PENALTY</b>	\$4,047
------------------------	---------

<b>Screening Date</b>	18-May-2021	<b>Docket No.</b>	2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b>	SHENANDOAH ESTATES WATER CO., INC.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60767			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101244408			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			

### 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> )	3	15%
	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)** 15%

#### >> 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 three NOVs with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 15%

<b>Screening Date</b> 18-May-2021 <b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC. <b>Case ID No.</b> 60767 <b>Reg. Ent. Reference No.</b> RN101244408 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Claudia Bartley <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.106(e) <b>Violation Description</b> Failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period.	<b>Docket No.</b> 2021-0652-PWS-E  <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																			
<b>Base Penalty</b> \$5,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Release</th> <th colspan="3" style="text-align: center;">Harm</th> <th></th> </tr> <tr> <th></th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <th></th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> 0.0%               </td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Release	Harm					Major	Moderate	Minor		Actual				<b>Percent</b> 0.0%	Potential			
Release	Harm																			
	Major	Moderate	Minor																	
Actual				<b>Percent</b> 0.0%																
Potential																				
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Falsification</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> <td style="vertical-align: middle;"> <b>Percent</b> 10.0%               </td> </tr> </tbody> </table>	Falsification	Major	Moderate	Minor			x			<b>Percent</b> 10.0%									
Falsification	Major	Moderate	Minor																	
	x			<b>Percent</b> 10.0%																
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">           100% of the rule requirements were not met.         </div>																			
<b>Adjustment</b> \$4,500																				
<div style="border: 1px solid black; width: 100px; height: 20px; margin-left: auto;">\$500</div>																				
<b>Violation Events</b>																				
<div style="display: flex; justify-content: space-between;"> <div> <b>Number of Violation Events</b> 1         </div> <div> <b>Number of violation days</b> 127         </div> </div>																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </tbody> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x					
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
<b>Violation Base Penalty</b> \$500																				
<div style="border: 1px solid black; padding: 5px; min-height: 40px; margin-top: 10px;">           One single event is recommended.         </div>																				
<b>Good Faith Efforts to Comply</b>																				
<b>0.0%</b>																				
<b>Reduction</b> \$0																				
<div style="display: flex; justify-content: space-between;"> <div> <b>Extraordinary</b>  <b>Ordinary</b>  <b>N/A</b> </div> <div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Before NOE/NOV</th> <th style="text-align: left;">NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td style="text-align: center;">x</td><td></td></tr> </tbody> </table> </div> </div>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer					x												
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
x																				
<b>Notes</b>	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">           The Respondent does not meet the good faith criteria for this violation         </div>																			
<b>Violation Subtotal</b> \$500																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> \$6	<b>Violation Final Penalty Total</b> \$578																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$578																				

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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)	\$55	10-Jan-2021	16-Jul-2021	0.51	\$1	n/a	\$1

#### Notes for DELAYED costs

The other delayed cost includes the estimated amount to pay any outstanding lab fees (\$55.36 for cyanide x one monitoring period) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the 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 \$55

**TOTAL** \$6



<b>Screening Date</b> 18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 60767	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN101244408		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Claudia Bartley		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)	
<b>Violation Description</b>	Failed to provide the results of synthetic organic chemical ("SOC") contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period.	
<b>Base Penalty</b>		\$5,000

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Falsification</b>	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
---------------------	---

  

<b>Adjustment</b>	\$4,500
	\$500

  

**Violation Events**

Number of Violation Events	2	Number of violation days	493														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
<b>Violation Base Penalty</b>			\$1,000														
Two single events are recommended (one for each sample result).																	

  

**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>	\$0
	Before NOE/NOV    NOE/NOV to EDRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
<b>Violation Subtotal</b>		\$1,000

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$24	<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b>		\$1,156	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,156	

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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)	\$236	10-Jan-2020	24-Aug-2021	1.62	\$19	n/a	\$19

#### Notes for DELAYED costs

The other delayed cost includes the estimated amount to pay any outstanding lab fees (\$160.16 for metals and \$75.67 for SOC (method 504) x one monitoring period) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the 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

\$236

**TOTAL**

\$24

<b>Screening Date</b> 18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 60767	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN101244408		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Claudia Bartley		
<b>Violation Number</b> 3		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.106(e) and 290.107(e)	
<b>Violation Description</b>	Failed to provide the results of nitrate and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.	
<b>Base Penalty</b>		\$5,000

  

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%
Matrix Notes	100% of the rule requirements were not met.				

  

<b>Adjustment</b>	\$4,500
	\$500

  

**Violation Events**

Number of Violation Events	2	Number of violation days	127														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
<b>Violation Base Penalty</b>			\$1,000														
Two single events are recommended (one for each sample result).																	

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$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.			
<b>Violation Subtotal</b>				\$1,000

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$2
<b>Violation Final Penalty Total</b>	\$1,156
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,156	

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$66	10-Jan-2021	16-Jul-2021	0.51	\$2	n/a	\$2

Notes for DELAYED costs

The other delayed cost includes the estimated amount to pay any outstanding lab fees (\$56.77 for VOCs and \$8.74 for nitrate x one monitoring period) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the 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

\$66

**TOTAL**

\$2

<b>Screening Date</b> 18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 60767	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN101244408		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Claudia Bartley		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)	
<b>Violation Description</b>	Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020.	
<b>Base Penalty</b>		\$5,000

  

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 10.0%

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
---------------------	---

  

<b>Adjustment</b>	\$4,500
-------------------	---------

  

	\$500
--	-------

  

**Violation Events**

Number of Violation Events	1		127	Number of violation days
----------------------------	---	--	-----	--------------------------

  

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

  

One single event is recommended.	
----------------------------------	--

  

<b>Good Faith Efforts to Comply</b>	0.0%	<b>Reduction</b>	\$0
-------------------------------------	------	------------------	-----

  

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

  

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation
--------------	---

  

<b>Violation Subtotal</b>	\$500
---------------------------	-------

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$22	<b>Statutory Limit Test</b>
----------------------------	------	-----------------------------

  

<b>Violation Final Penalty Total</b>	\$578
--------------------------------------	-------

  

<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$578
--	-------

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$22	10-Jan-2021	18-May-2021	0.35	\$0	\$22	\$22
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR, calculated from the date the report was due to the date of screening.

Approx. Cost of Compliance \$22

**TOTAL** \$22

<b>Screening Date</b> 18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 60767	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN101244408		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Claudia Bartley		
<b>Violation Number</b> 5		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	
<b>Violation Description</b>	Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the fourth quarter of 2019.	
<b>Base Penalty</b>		\$5,000

  

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 10.0%

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
---------------------	---

  

<b>Adjustment</b>	\$4,500
	\$500

  

**Violation Events**

Number of Violation Events	1	Number of violation days	117
----------------------------	---	--------------------------	-----

  

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

  

<b>Violation Base Penalty</b>	\$500
-------------------------------	-------

  

One single event is recommended.
----------------------------------

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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.	
<b>Violation Subtotal</b>		\$500

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$1
<b>Violation Final Penalty Total</b>	\$578
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$578	

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jan-2021	4-Oct-2021	0.70	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the date the public notification was due to the 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

\$25

**TOTAL**

\$1





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	17-May-2021	<b>Screening</b>	18-May-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	19-May-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	SHENANDOAH ESTATES WATER CO., INC.				
<b>Reg. Ent. Ref. No.</b>	RN101244408				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60767	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0652-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Claudia Bartley
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$300
---	-------------------	-------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	15.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$45
---------------------------	-------	-------------------	--------------------------------	------

Notes: Enhancement for three NOV's with the same/similar violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
-------------------------	------	---------------------	-------------------	-----

Total EB Amounts: \$20  
Estimated Cost of Compliance: \$75  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$345
-----------------------------	-----------------------	-------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$345
-----------------------------	-------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$345
-----------------------------------	-------------------------------	-------

<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$345
------------------------	-------

<b>Screening Date</b>	18-May-2021	<b>Docket No.</b>	2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b>	SHENANDOAH ESTATES WATER CO., INC.			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60767			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101244408			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Claudia Bartley			

### 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> )	3	15%
	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)** 15%

#### >> 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 three NOVs with the same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 15%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 15%

<b>Screening Date</b> 18-May-2021 <b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC. <b>Case ID No.</b> 60767 <b>Reg. Ent. Reference No.</b> RN101244408 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Claudia Bartley <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f) <b>Violation Description</b> Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the second quarter of 2017.	<b>Docket No.</b> 2021-0652-PWS-E  <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																							
<b>Base Penalty</b> \$1,000																								
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																								
<b>OR</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;"><b>Release</b></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> 0.0%         </td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		<b>Release</b>	<b>Harm</b>						Major	Moderate	Minor		Actual					<b>Percent</b> 0.0%	Potential				
	<b>Release</b>	<b>Harm</b>																						
		Major	Moderate	Minor																				
Actual					<b>Percent</b> 0.0%																			
Potential																								
<b>&gt;&gt; Programmatic Matrix</b>																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 20%; text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> 10.0%         </td> </tr> </table>		Falsification	Major	Moderate	Minor				x			<b>Percent</b> 10.0%											
	Falsification	Major	Moderate	Minor																				
		x			<b>Percent</b> 10.0%																			
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">         100% of the rule requirements were not met.       </div>																							
<b>Adjustment</b> \$900																								
<div style="border: 1px solid black; width: 100px; height: 20px; margin-left: auto;">\$100</div>																								
<b>Violation Events</b>																								
<div style="display: flex; justify-content: space-between;"> <div> <b>Number of Violation Events</b> 1         </div> <div> <div style="border: 1px solid black; width: 50px; text-align: center;">1032</div> <b>Number of violation days</b> </div> </div>																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%; text-align: center;">daily</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table>		daily			weekly			monthly			quarterly			semiannual			annual			single event	x		
	daily																							
	weekly																							
	monthly																							
	quarterly																							
	semiannual																							
	annual																							
	single event	x																						
<b>Violation Base Penalty</b> \$100																								
<div style="border: 1px solid black; padding: 5px; min-height: 40px; margin-top: 10px;">         One single event is recommended.       </div>																								
<b>Good Faith Efforts to Comply</b>																								
<b>0.0%</b>																								
<b>Reduction</b> \$0																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 30%; text-align: center;">Before NOE/NOV</td> <td style="width: 30%; text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x												
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																						
Extraordinary																								
Ordinary																								
N/A	x																							
<b>Notes</b>	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">         The Respondent does not meet the good faith criteria for this violation.       </div>																							
<b>Violation Subtotal</b> \$100																								
<b>Economic Benefit (EB) for this violation</b>																								
<b>Statutory Limit Test</b>																								
<b>Estimated EB Amount</b> \$4	<b>Violation Final Penalty Total</b> \$115																							
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$115																								

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Jul-2018	4-Oct-2021	3.21	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the date the public notification was due to the 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

\$25

**TOTAL**

\$4

<b>Screening Date</b> 18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	<b>PCW</b>
<b>Respondent</b> SHENANDOAH ESTATES WATER CO., INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 60767	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN101244408		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Claudia Bartley		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	
<b>Violation Description</b>	Failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period.	
<b>Base Penalty</b>		\$1,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				<b>Percent</b> 0.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			
					<b>Percent</b> 10.0%

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events 2      2219 Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$200

Two single events are recommended (one event per notification).

**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** \$200

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

**Estimated EB Amount** \$16      **Violation Final Penalty Total** \$230

**This violation Final Assessed Penalty (adjusted for limits)** \$230

## Economic Benefit Worksheet

**Respondent** SHENANDOAH ESTATES WATER CO., INC.  
**Case ID No.** 60767  
**Reg. Ent. Reference No.** RN101244408  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Apr-2015	1-Sep-2021	6.37	\$16	n/a	\$16

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the date the public notifications were due to the 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**

\$16



# Compliance History Report

Compliance History Report for CN600631055, RN101244408, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600631055, SHENANDOAH ESTATES WATER CO., INC.	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN101244408, SHENANDOAH ESTATES	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	1.8 MILES WEST OF INTERSTATE HIGHWAY 35 ON COUNTY ROAD 2131 IN VALLEY VIEW, COOKE COUNTY, TEXAS 76272				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				
<b>ID Number(s):</b>					
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>	0490045				

<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b>	2021	<b>Rating Date:</b>	09/01/2021
<b>Date Compliance History Report Prepared:</b>	December 08, 2023				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	August 19, 2016 to August 19, 2021				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Steven T. Hall	<b>Phone:</b>	(512) 239-2569		

## 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.):**

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	03/31/2021	(1709002)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(e)			
	Description:	CN MR 3Y2020 - The system failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(e)			

Description: NO3 MR YR2020 - The system failed to provide the results of nitrate sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2020 - The system failed to provide the results of volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

2 Date: 04/01/2021 (1709002)

Self Report? NO Classification: Moderate

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

Description: DLQOR MR 4Q2020 - to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020.

3 Date: 04/02/2021 (1709002)

Self Report? NO Classification: Moderate

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

Description: DLQOR MR PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2019.

**F. Environmental audits:**

N/A

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

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 8/19/2016 and 8/19/2021**

- 1      Date:      07/11/2016      (1709002)
- Self Report?      NO      Classification:      Moderate
- 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 YR2014 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 01/01/2014 to 12/31/2014.
- Self Report?      NO      Classification:      Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description:      CN MR PN 3Y2014 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 cyanide monitoring and reporting violation for the triennial monitoring period from 01/01/2012 to 12/31/2014.
- 2      Date:      03/07/2018      (1467617)
- Self Report?      NO      Classification:      Minor
- Citation:
- 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
- Description:      Failure to maintain records of the amount of chemicals used each week.  
EIC C3 Min(3)(C)
- Self Report?      NO      Classification:      Minor
- Citation:
- 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
- Description:      Failure to provide a screen on the well casing vent for Well #1 (G0490045A).  
EIC C4 Min(3)(D)
- Self Report?      NO      Classification:      Minor
- Citation:
- 30 TAC Chapter 290, SubChapter D 290.41(c)(4)
- Description:      Failure to provide a working liquid level indicator on the ground storage tank.  
EIC C4 Min(3)(D)
- 3      Date:      11/14/2018      (1709002)
- Self Report?      NO      Classification:      Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description:      DLQOR MR PN 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 disinfectant monitoring and reporting violation during the second quarter of 2017.
- 4      Date:      08/06/2019      (1580643)
- Self Report?      NO      Classification:      Moderate
- Citation:
- 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
- Description:      Failure to maintain the distribution system lines in a watertight condition.  
EIC B18c(7) MOD(2)(G)
- 5      Date:      04/16/2020      (1709002)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC 504 MR 3Y2019 - The system failed to provide the results of synthetic organic chemical ("SOC") contaminants (method 504) sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL MR 3Y2019 - The system failed to provide the results of metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period.

6\* Date: 03/31/2021 (1709002)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: CN MR 3Y2020 - The system failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2020 - The system failed to provide the results of nitrate sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2020 - The system failed to provide the results of volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

7\* Date: 04/01/2021 (1709002)

Self Report? NO Classification: Moderate

Citation:

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

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

Description: DLQOR MR 4Q2020 - to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020.

8\* Date: 04/02/2021 (1709002)

Self Report? NO Classification: Moderate

Citation:

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2019.

\* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B**

**All Investigations Conducted During Component Period August 19, 2016 and August 19, 2021**

Item 1	March 07, 2018**	(1467617)
Item 2	May 21, 2018**	(1485320)
Item 3	May 05, 2021**	(1709002)
Item 4	May 07, 2021**	(1711512)

\* No violations documented during this investigation

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

For  
Informational  
Purposes  
Only

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SHENANDOAH ESTATES WATER  
CO., INC.;  
RN101244408

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER

DOCKET NO. 2021-0652-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is SHENANDOAH ESTATES WATER CO., INC. ("Respondent").

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

### FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 1.8 miles west of Interstate Highway 35 on County Road 2131 near Valley View, Cooke County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 90 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on April 5, 2021, through May 7, 2021, an investigator documented that Respondent:
  - a. Failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period;
  - b. Failed to provide the results of synthetic organic chemical ("SOC") contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period;
  - c. Failed to provide the results of nitrate and volatile organic chemical ("VOC") contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period;
  - d. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020;
  - e. Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the fourth quarter of 2019;
  - f. Failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the second quarter of 2017; and
  - g. Failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period.

3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
  - a. Provided the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period, as of July 16, 2021 (Conclusion of Law No. 2);
  - b. Provided the results of SOC contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period, as of August 24, 2021 (Conclusion of Law No. 3);
  - c. Provided the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, as of July 16, 2021 (Conclusion of Law No. 4);
  - d. Timely submitted the DLQOR for the second quarter of 2021, as of October 14, 2021 (Conclusion of Law No. 5);
  - e. Provided public notifications and submitted copies of the notifications, accompanied with signed Certificates of Delivery, to the Executive Director regarding the failures to submit a DLQOR for the second quarter of 2017 and the fourth quarter of 2019, as of October 4, 2021 (Conclusion of Law Nos. 6 and 7); and
  - f. Provided public notification and submitted a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period, as of September 1, 2021 (Conclusion of Law No. 8).
4. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SHENANDOAH ESTATES WATER CO., INC." (the "EDSARP") in the TCEQ Chief Clerk's office on December 18, 2023.
5. By letter dated December 18, 2023, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDSARP. According to the return receipt "green card," Respondent received notice of the EDSARP on December 20, 2023, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDSARP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide the results of cyanide sampling to the Executive Director for the January 1, 2018 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN CODE § 290.106(e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of SOC contaminants (method 504) and metals sampling to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period, in violation of 30 TEX. ADMIN CODE §§ 290.106(e) and 290.107(e).

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of nitrate and VOC contaminants sampling to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN CODE §§ 290.106(e) and 290.107(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2020, in violation of 30 TEX. ADMIN CODE § 290.110(e)(4)(A) and (f)(3).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the fourth quarter of 2019, in violation of 30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide public notification and submit a copy of the notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR for the second quarter of 2017, in violation of 30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect and report the results of nitrate sampling for the January 1, 2014 through December 31, 2014 monitoring period and regarding the failure to collect and report the results of cyanide sampling for the January 1, 2012 through December 31, 2014 monitoring period, in violation of 30 TEX. ADMIN CODE § 290.122(c)(2)(A) and (f).
9. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDSARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
10. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of \$4,392 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.
13. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty in the amount of \$4,392 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: SHENANDOAH ESTATES WATER CO., INC.; Docket No. 2021-0652-PWS-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF BENJAMIN PENCE

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SHENANDOAH ESTATES WATER CO., INC.' (the "EDSARP") was filed in the TCEQ Chief Clerk's office on December 18, 2023.

The EDSARP was mailed to Respondent's last known address on December 18, 2023, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDSARP on December 20, 2023, as evidenced by the signature on the card.

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

"My name is Benjamin Pence 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 6th day of March, 2025

*Benjamin Pence*

---

Declarant