# EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 60767 SHENANDOAH ESTATES WATER CO., INC. RN101244408

Docket No. 2021-0652-PWS-E

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 NOVs: March 31, 2021, April 1, 2021, April 2, 2021

Date of NOE: May 7, 2021

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

### 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

# **Litigation Information**

Date Petition Filed:December 18, 2023Dates 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





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES Assigned 17-May-2021 PCW 21-Aug-2023

PCW 21-Aug-2023 Screening 18-May-2021 EPA Due 30-Jun-2021

RESPONDENT/FACILITY INFORMATION
Respondent Reg. Ent. Ref. No. Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 60767
Docket No. 2021-0652-PWS-E
Media Program(s) Multi-Media
Multi-Media
Admin. Penalty \$ Limit Minimum \$50 Maximum

No. of Violations 5
Order Type 1660
Government/Non-Profit Enf. Coordinator EC's Team Enforcement Team 4

		Penalty C	alcula	tion Section	on		
TOTAL BASE PEN	ALTY (Sum o	•			,	Subtotal 1	\$3,500
ADJUSTMENTS (	+/-) TO SUB	OTAL 1					
Subtotals 2-7 are Compliance	obtained by multiplyi	ng the Total Base Penalty	(Subtotal 1 <b>15.0%</b>	) by the indicated po Adjustment		otals 2, 3, & 7	\$525
Note		nent for three NOVs		<u> </u>			70-20
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
Note	s The R	espondent does not	meet the	culpability crite	ria.		
Good Faith E	ffort to Comply	Total Adjustments	<b>.</b>			Subtotal 5	\$0
		-				<u></u>	•
Economic Be				Enhancement*		Subtotal 6	\$0
Estimat	Total EB Amount ed Cost of Compliance		*Capped	d at the Total EB \$ A	Amount		
SUM OF SUBTOTA	ALS 1-7				ı	Final Subtotal	\$4,025
OTHER FACTORS Reduces or enhances the Fir				0.5%		Adjustment	\$22
Notes	·	to recover the avoid	ed cost a	ssociated with V	/iolation No.		
					Final Pe	nalty Amount	\$4,047
STATUTORY LIM	IT ADJUSTME	NT			Final Asse	essed Penalty	\$4,047
DEFERRAL				0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed	Penalty by the indicat	ed percentage.		•			
Notes	Def	erral not offered for	non-expe	dited settlemen	t.		
PAYABLE PENAL	ГУ						\$4,047
	•						7 -/

Screening Date 18-May-2021 Docket No. 2021-0652-PWS-E

**PCW** 

**Respondent** SHENANDOAH ESTATES WATER CO., INC.

**Case ID No.** 60767

Reg. Ent. Reference No. RN101244408

Media Public Water Supply
Enf. Coordinator Claudia Bartley

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

	Enf. Coordinator Claudia Bartley										
	Compliance History Worksheet										
>> Co		ory Site Enhancement (Subtotal 2)	No. and the second	A 43							
	Component	Number of  Written notices of violation ("NOVs") with same or similar violations as those in	Number	Adjust.							
	NOVs	the current enforcement action (number of NOVs meeting criteria)	3	15%							
		Other written NOVs	0	0%							
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%							
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%							
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%							
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%							
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%							
	Emissions	Chronic excessive emissions events (number of events)	0	0%							
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%							
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%							
		Environmental management systems in place for one year or more	No	0%							
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%							
	0 0.10.	Participation in a voluntary pollution reduction program	No	0%							
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%							
		Adjustment Per	centage (Sub	total 2) 15%							
>> Re	peat Violator	(Subtotal 3)									
	N/A	Adjustment Per	centage (Sub	ototal 3) 0%							
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)									
	N/A	Adjustment Per	centage (Sub	total 7) 0%							
>> Co	mpliance Hist	ory Summary									
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations.									
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 15%							
>> Fina	al Compliance	History Adjustment									
		Final Adjustment Percent	age *capped a	at 100% 15%							

	Screening Date	18-May-2021	Docket No	2021-0652-PWS-E	PCW
		SHENANDOAH ESTATES V	VATER CO., INC.		Policy Revision 5 (January 28, 2021)
_	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.				
		Public Water Supply			
	Enf. Coordinator Violation Number	Claudia Bartley			
		1			
	Rule Cite(s)	30	Tex. Admin. Code § 290	0.106(e)	
				( - )	
	<b>Violation Description</b>	Failed to provide the resu			for the
	-	January 1, 2018	through December 31, 2	1020 monitoring period.	
				Base I	Penalty \$5,000
>> Env	/ironmental. Proper	rty and Human Heal	th Matrix		
		Harm			
	Release	Major Moderate	e Minor		
OR	Actual				
	Potential			Percent 0.0%	
> > D	avammatia Matrix				
>>Pro	grammatic Matrix Falsification	Major Moderate	e Minor		
	T districation	X	- Timor	Percent 10.0%	
	Matrix Notes	100% of the ru	ıle requirements were no	ot met.	
	Notes				
			_		
			A	djustment	\$4,500
					\$500
Violatio	on Events				
	Number of V	iolation Events 1	127	Number of violation da	avs
			127		
		daily			
		weekly			
		monthly			-
		quarterly		Violation Base I	Penalty \$500
		semiannual			
		annual x			
		Single event			
		One sing	e event is recommended	l.	
Good F	aith Efforts to Com	ply 0.0	%	Re	eduction \$0
I		Before NOE/No			Ψ,
		Extraordinary			
		Ordinary			
		N/A x			
		The Poor	ondent does not meet th	e good faith criteria	
		Notes The Resp	for this violatio	_	
				Violation S	ubtotal \$500
Econor	nic Benefit (EB) for	this violation		Statutory Limit T	est
	Estimate	ed EB Amount	\$6	<b>Violation Final Penalt</b>	y Total \$578
		This wie	alation Final Accessed	Denalty (adjusted for	limits) \$578
		i nis Vic	olation Final Assessed	renalty (adjusted for	\$5/8

	E	conomic	Benefit	Wo	rksheet		
Case ID No. Reg. Ent. Reference No.	60767 RN101244408		R CO., INC.				
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs				-1			
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 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$55	10-Jan-2021	16-Jul-2021	0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs		ring period) so tha	at the lab will re	lease al		anding lab fees (\$55 nemical analysis res te of compliance.	,
Avoided Costs	ANNU	ALIZE avoided c	osts before er	ntering	item (except for	r one-time avoide	d 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							

	Screening Date	18-May-2021		Docket No.	2021-0652-PWS-E			PCW
	Respondent	SHENANDOAH ESTA	TES WATE	ER CO., INC.		Policy R	evision 5 (Ja	anuary 28, 2021)
	Case ID No.					PCW	Revision Fe	ebruary 11, 2021
Reg.	Ent. Reference No.	RN101244408						
		Public Water Supply						
	Enf. Coordinator							
	Violation Number	2						
	Rule Cite(s)	30 T	ex. Admir	n. Code §§ 290.106(e) a	and 290.107(e)			
	Violetian Description			of synthetic organic che ampling to the Executiv				
	Violation Description			December 31, 2019 mo		uary 1,		
		2017		200030. 01, 20130	mico.m.g ponodi			
					Base	Penalty		\$5,000
						, ,		, , , , , ,
>> En	vironmental, Prope			Matrix				
	Release		<b>larm</b> derate	Minor				
OR	Actual	1 Idjoi Mot	ucrute	Timor				
	Potential				Percent 0.0%			
>>Pro	grammatic Matrix							
	Falsification		derate	Minor	-			
		Х			Percent 10.0%			
	Matrix	100% of	tho rulo i	requirements were not r	mot			
	Notes	100 % 01	the rule i	requirements were not i	met.			
				Adj	justment	\$4,500		
						Г		\$500
						L		\$300
Violati	on Events							
					ī			
	Number of \	/iolation Events	2	493	Number of violation of	days		
		daily						
		weekly						
		monthly						
		quarterly			Violation Base	Penalty		\$1,000
		semiannual						
		annual						
		single event	X					
		Two single events a	are recom	nmended (one for each s	samnle result)			
		Two single events t	are recom	interface (one for each c	sumple result).			
	ļ <del>.</del>							
Good F	aith Efforts to Com		0.0%	NOT /NOV to EDDDD /Cottless		Reduction		\$0
		Extraordinary Extra	NOE/NOV I	NOE/NOV to EDPRP/Settleme	ent Offer			
		Ordinary N/A	V					
		N/A	Х					
		Notes The l	Responde	nt does not meet the go	ood faith criteria for			
				this violation.				
		<u></u>				_		
					Violation	Subtotal		\$1,000
Econo	mic Benefit (EB) for	this violation			<b>Statutory Limit</b>	Test		
		ed EB Amount		¢24	-	_		#1 1FC
	Estimat	EG ED AMOUNT		\$24	Violation Final Pena	iity rotal		\$1,156
		1	This viola	ation Final Assessed F	Penalty (adjusted fo	or limits)		\$1,156

	E	conomic	Benefit	Wo	rksheet		
· · · · · · · · · · · · · · · · · · ·		ESTATES WATER	R CO., INC.				
Case ID No.							
Reg. Ent. Reference No.	RN101244408						
Media	Public Water 9	Supply				Percent Interest	Years of
Violation No.	2					reicent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$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	+226	10.7 2020	24.4 2024	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	and \$75.67 f chemica	or SOC (method ! I analysis results,	504) x one mon calculated from	itoring the da compli	period) so that the te the sampling re ance.	nding lab fees (\$16 lab will release all o sults were due to th	drinking water e date of
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering		one-time avoide	d 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 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$236			TOTAL		\$24

	Screening Date	18-May-2021		Docke	t No. 2021-0652-PWS-E			PCW
	Respondent	SHENANDOAH E	ESTATES WAT	ΓER CO., INC.		Policy R	evision 5 (J	anuary 28, 2021)
	Case ID No.					PCV	/ Revision F	ebruary 11, 2021
Reg.	Ent. Reference No.	RN101244408						
		Public Water Su	pply					
	Enf. Coordinator							
	Violation Number	3					İ	
	Rule Cite(s)		30 Tex. Adm	in. Code §§ 290.1	.06(e) and 290.107(e)			
						( O O U )		
	Violation Description				volatile organic chemical ("Voctor for the January 1, 2020			
	Violation Description	Contaminants		nber 31, 2020 mo		unougn		
				,	a Ferren			
					Base	Penalty		\$5,000
				NA - Luin				
>> En	vironmental, Prope	rty and Hum	an Health Harm	матгіх				
	Release	Major	Moderate	Minor				
OR	Actual							
	Potential				Percent 0.0%			
> > D	augustia Matuis							
>>PF0	grammatic Matrix Falsification	Major	Moderate	Minor				
	T disinication	X	rioderate	111101	Percent 10.0%			
	Matrix Notes	100	% of the rule	requirements we	re not met.			
	Notes							
						1.4.500		
					Adjustment	\$4,500		
								\$500
· · · · ·								
Violati	on Events							
	Number of \	/iolation Events	2	1	Number of violation of	days		
		_				•		
		daily						
		weekly						
		monthly						
		quarterly			Violation Base	Penalty		\$1,000
		semiannual annual						
		single event	Y					
		emgie erene		ı				
		Two single eve	ents are reco	mmended (one for	r each sample result).			
Good F	aith Efforts to Com	ply	0.0%			Reduction		\$0
		Be	efore NOE/NOV	NOE/NOV to EDPRP/				· ·
		Extraordinary						
		Ordinary						
		N/A	Х					
			The Respond	ent does not mee	t the good faith criteria for			
		Notes	, , , , , , , , , , , , , , , , , , ,	this viola	_			
		L						
					Violation	Subtotal		\$1,000
Econor	mic Donofit (ED) for	thic violetic			Chahutama Limit	Tost		
conoi	mic Benefit (EB) for	this violation	on		Statutory Limit	rest		
	Estimate	ed EB Amount		\$2	<b>Violation Final Pena</b>	ilty Total		\$1,156
			This via	lation Final Acco	essed Penalty (adjusted fo	or limite)		\$1,156
			TIIIS VIO	iacion Final ASSE		, mms)		<b>Φ1,130</b>

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60767	ESTATES WATER	R CO., INC.				
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)	\$66	10-Jan-2021	16-Jul-2021	0.00	\$0 \$2	n/a n/a	\$0 \$2
Notes for DELAYED costs	and \$8.74	for nitrate x one	monitoring peri	od) so t	hat the lab will rele	anding lab fees (\$5 ease all drinking war due to the date of c	er chemical
Avoided Costs	ANNU	LIZE avoided c	osts before er	tering	item (except for	one-time avoide	d 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

	Screening Date Respondent		STATES WAT		cket No. 202	1-0652-PWS-E	Policy R	evision 5 (Ja	<b>PCW</b> anuary 28, 2021)
Pen	Case ID No. Ent. Reference No.	60767							ebruary 11, 2021
Keg.		Public Water Su	pply						
	Enf. Coordinator								
	Violation Number Rule Cite(s)	4							
			30 Tex. Adm	in. Code § 29	90.110(e)(4)(A)	and (f)(3)			
	Violation Description		ctor by the te	nth day of the		Report ("DLQOR g the end of eac			
						Base	e Penalty		\$5,000
>> En	vironmental, Prope	rty and Hum	an Health	Matrix					
	Release	Major	<b>Harm</b> Moderate	Minor					
OR	Actual	riajoi	rioderate	7 111101					
	Potential				Per	<b>cent</b> 0.0%			
>>Pro	grammatic Matrix								
	Falsification	Major	Moderate	Minor	_				
		X			Per	cent 10.0%			
	Matrix Notes	100	% of the rule	requirement	s were not met.				
						_			
					Adjusti	ment	\$4,500		
									\$500
Violati	ion Events								
	Number of \	/iolation Events	1		127 Nun	nber of violation (	days		
		daily							
		weekly							
		monthly quarterly				Violation Base	. Donalty		\$500
		semiannual				Violation base	Femalty		\$300
		annual · ·							
		single event	X						
			One single	event is recor	mmended.				
Good I	Faith Efforts to Com	ply	0.0%				Reduction		\$0
		Be		NOE/NOV to EE	PRP/Settlement Off		,		
		Extraordinary Ordinary							
		N/A	Х						
		Notes			meet the good f	aith criteria for			
		L							
						Violation	Subtotal		\$500
Econo	mic Benefit (EB) for	this violation	n		Sta	tutory Limit	Test		
	Estimate	ed EB Amount		\$22	Viola	ntion Final Pena	alty Total		\$578
			This vio	ation Final	Assessed Pena	lty (adjusted fo	or limits)		\$578

	E	conomic	Benefit	Woı	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60767	I ESTATES WATER	R CO., INC.				
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		1					
Equipment				0.00	\$0	\$0	\$0
Buildings Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$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	ANNII	ALIZE avoided c	osts hefore en	terina	item (except for	one-time avoided	1 costs)
Disposal	Aitito	TELLE UVOIGEG C	OSES DETOTE CIT	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 of				epare and submit a the date of screeni	a DLQOR, calculated	I from the date
Approx. Cost of Compliance		\$22			TOTAL		\$22

	Screening Date	18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E		PCW
		SHENANDOAH ESTATES WA	TER CO., INC.	Policy Revision	on 5 (January 28, 2021)
	Case ID No.			PCW Rev	ision February 11, 2021
Reg.	Ent. Reference No.				
		Public Water Supply			
	Enf. Coordinator				
	Violation Number	5			
	Rule Cite(s)	30 Tex. Ac	lmin. Code § 290.122(c)(2)(A) and (f)		
	Violetian Description		c notification and submit a copy of the notification		
	Violation Description		ned Certificate of Delivery, to the Executive Dire o submit a DLQOR for the fourth quarter of 201		
		regarding the failure t	o subtilit a DEQOR for the fourth quarter of 201		
			Base	Penalty	\$5,000
					φογοσο
>> En	vironmental, Prope	rty and Human Health	Matrix		
	Release	<b>Harm</b> Major Moderate	Minor		
OR	Actual	Hajor Hoderate	Fillion		
	Potential		Percent 0.0%		
		-			
>>Pro	grammatic Matrix				
	Falsification	Major Moderate	Minor		
		Х	Percent 10.0%		
	Matrix	100% of the rule	e requirements were not met.		
	Notes	100 % of the full	e requirements were not met.		
			Adjustment	\$4,500	
					\$500
					\$300
Violati	on Events				
	No construction of C	Balakian Franka	November of citation of		
	Number of V	/iolation Events 1	117 Number of violation da	ays	
		daily	1		
		weekly			
		monthly			
		quarterly	Violation Base	Penalty	\$500
		semiannual			
		annual			
		single event x			
		One single	event is recommended.		
		_			
Good F	aith Efforts to Com	Ply 0.0%  Before NOE/NOV	• •	eduction	\$0
		Extraordinary Extraordinary	NOE/NOV to EDPRP/Settlement Offer		
		Ordinary			
		N/A x			
		Notes The Respond	dent does not meet the good faith criteria for		
			this violation.		
					1 00
			Violation S	Subtotal	\$500
Econoi	nic Benefit (EB) for	this violation	Statutory Limit	Test	
					#E70
	Estimat	ed EB Amount	\$1 Violation Final Penal	ity rotal	\$578
		This vio	lation Final Assessed Penalty (adjusted for	r limits)	\$578

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60767	ESTATES WATER	R CO., INC.				
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Dolayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$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	+25	20.12021	4.0-1-2021	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	notificatio notification	n x one notification, accompanied with alculated from the	n) is provided t th a signed Cert date the public	o perso cificate o	ns served by the F of Delivery, is subr ation was due to th	nquent public notific facility and a copy o nitted to the Execut ne date of complian	f the public ive Director, ce.
Avoided Costs	ANNU	LIZE avoided c	osts before er		<u> </u>	one-time avoide	d 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 \$0	\$0 #0
Financial Assurance ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				0.00	ΨΟ	¥ <b>V</b>	***
Approx. Cost of Compliance		\$25			TOTAL		\$1



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

DATES Assigned 17-May-2021
PCW 19-May-2021

PCW 19-May-2021 Screening 18-May-2021 EPA Due 30-Jun-2021

RESPONDENT/FACILITY INFORMATION

Respondent SHENANDOAH ESTATES WATER CO., INC.

Reg. Ent. Ref. No. Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 60767
Docket No. 2021-0652-PWS-E
Media Program(s) Multi-Media
Multi-Media
Admin. Penalty \$ Limit Minimum \$50 Maximum

No. of Violations 2
1660

Government/Non-Profit Enf. Coordinator EC's Team

EC's Team

\$1,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)  Subtotal 1	\$300
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.  Compliance History  15.0% Adjustment  Subtotals 2, 3, & 7	\$45
Notes Enhancement for three NOVs with the same/similar violations.	
Culpability No 0.0% Enhancement Subtotal 4	\$0
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  Total EB Amounts \$20 *Capped at the Total EB \$ Amount	\$0
Total EB Amounts \$20 *Capped at the Total EB \$ Amount  Estimated Cost of Compliance \$75	
SUM OF SUBTOTALS 1-7 Final Subtotal	\$345
OTHER FACTORS AS JUSTICE MAY REQUIRE  Reduces or enhances the Final Subtotal by the indicated percentage.  0.0%  Adjustment	\$0
Notes	
Final Penalty Amount	\$345
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty	\$345
DEFERRAL  Reduces the Final Assessed Penalty by the indicated percentage.  0.0% Reduction Adjustment	\$0
Notes Deferral not offered for non-expedited settlement.	
PAYABLE PENALTY	\$345

Screening Date 18-May-2021

**Docket No.** 2021-0652-PWS-E

**PCW** 

**Respondent** SHENANDOAH ESTATES WATER CO., INC.

**Case ID No.** 60767

Reg. Ent. Reference No. RN101244408

Media Public Water Supply

Enf. Coordinator Claudia Bartley

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

	Enf. Coo	ordinator Claudia Bartley			
		Compliance History Worksheet			
> Co		ory <i>Site</i> Enhancement (Subtotal 2)  Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Gener	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment Per	centage (Sub	total 2) 1	15%
> Re	peat Violator	(Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	total 3)	0%
> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Per	centage (Sub	total 7)	0%
> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 1	15%
> Fina	I Compliance	History Adjustment	200 ***********************************	-t 1000/ 1	1 504
		Final Adjustment Percenta	aye "cappea	at 100% 1	15%

	Screening Date				<b>et No.</b> 2021-06	652-PWS-E	PCW
	Respondent		ESTATES WATE	ER CO., INC.			Policy Revision 5 (January 28, 2021)
_	Case ID No.						PCW Revision February 11, 2021
Reg.	Ent. Reference No.						
	медіа Enf. Coordinator	Public Water Su	ipply				
	Violation Number	1					
	Rule Cite(s)						
	Rule Cite(S)		30 Tex. Admi	in. Code § 29	0.122(c)(2)(A) a	nd (f)	
		Failed to n	rovide nublic n	otification an	d submit a copy o	of the notificati	on
	Violation Description				of Delivery, to the		
	•				OR for the second		
						Base I	Penalty \$1,000
						<b>D</b> 450.	ψ <u>1</u> /300
>> Env	vironmental, Prope	rty and Hum	an Health N Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percen	0.0%	
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor			
		Х			Percen	10.0%	
	Matrix	1000	% of the rule re	equirements	were not met		
	Notes	100	or the rule is	equirements	were not met.		
					Adjustmen	nt	\$900
							\$100
Violati	on Events						
Violativ	on Events	_					
	Number of V	iolation Events	1		1032 Number	r of violation da	ays
	ĺ	daily					
		weekly					
		monthly					
		quarterly			Vio	olation Base F	Penalty \$100
		semiannual					
		annual single event	Х				
		J510 070110	^				
			One similar	ant in the	manda d		
			One single ev	rent is recomi	menaea.		
<u> </u>			1				
Good F	aith Efforts to Com		0.0% efore NOE/NOV	NOE/NOV to FDP	RP/Settlement Offer	Re	eduction \$0
		Extraordinary	2.3.0 NOL/NOV		, Sectionical Original		
		Ordinary					
		N/A	Х				
		<u>.</u>	The Responde	ent does not	meet the good fa	ith criteria	
		Notes	,		violation.		
		L					
						Violation S	ubtotal \$100
Econor	mic Benefit (EB) for	this violation	n		Statut	tory Limit T	est
	Estimate	ed EB Amount		\$4	Violation	n Final Penalt	y Total \$115
			This				
			inis violati	ion Final Ass	sessed Penalty	(adjusted for	<b>limits)</b> \$115

	E	conomic	Benefit	Woı	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	60767	I ESTATES WATER	R CO., INC.				
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
5.1 1.6 1							
Delayed Costs		11		1 0 00	+0	+0	+0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$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	±2F	20.1.1.2010	4.0 -1- 2021	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	ANNUA	ALIZE avoided c	osts before er			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Financial Assurance				0.00	\$0 \$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

	Screening Date	18-May-2021	<b>Docket No.</b> 2021-0652-PWS-E	PCW
	Respondent	SHENANDOAH ESTATES WA	TER CO., INC.	Policy Revision 5 (January 28, 2021)
	Case ID No.	60767		PCW Revision February 11, 2021
Reg.	<b>Ent. Reference No.</b>	RN101244408		
	Media	Public Water Supply		
	<b>Enf. Coordinator</b>	Claudia Bartley		
	Violation Number	2		
	Rule Cite(s)	30 Tex. Ac	Imin. Code § 290.122(c)(2)(A) and (f)	
		Failed to provide public no	otification and submit a copy of the notification to	o the
			ng the failure to collect and report the results of r	
	Violation Description		, 2014 through December 31, 2014 monitoring p	
			o collect and report the results of cyanide sampling through December 31, 2014 monitoring period.	
		the January 1, 2012	through December 31, 2014 monitoring period.	
			Base F	Penalty \$1,000
>> Env	vironmental, Prope	rty and Human Health	Matrix	
		Harm		
	Release	Major Moderate	Minor	
OR	Actual			
	Potential		Percent 0.0%	
>> Dro	grammatic Matrix			
<b></b>	Falsification	Major Moderate	Minor	
		X	Percent 10.0%	
	Matrix	100% of the rule	e requirements were not met.	
	Notes			
			Adjustment	\$900
				\$100
				·
Violati	on Events			
	Number of \	/iolation Events	2210 Number of violation do	NG.
	Number of V	/iolation Events 2	2219 Number of violation da	ys
		daily		
		weekly		
		monthly		
		quarterly	Violation Base F	Penalty \$200
		semiannual		
		annual		
		single event x		
		Two single events are reco	ommended (one event per notification).	
			(	
Good F	aith Efforts to Com		_	eduction \$0
		Before NOE/NOV Extraordinary	NOE/NOV to EDPRP/Settlement Offer	
		Ordinary		
		N/A x		
		Notes The Respond	lent does not meet the good faith criteria for	
		NOTES	this violation.	
			Violation So	ubtotal \$200
Fconor	mic Benefit (EB) for	this violation	Statutory Limit T	est
	Estimate	ed EB Amount	\$16 Violation Final Penalt	ty Total \$230
		This vio	lation Final Assessed Penalty (adjusted for	<b>limits)</b> \$230

Economic Benefit Worksheet								
· · · · · · · · · · · · · · · · · · ·	Respondent SHENANDOAH ESTATES WATER CO., INC.							
Case ID No.								
Reg. Ent. Reference No.							V	
медіа Violation No.	Public Water S 2	ьирріу				Percent Interest	Years of Depreciation	
						5.0	15	
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount	
Item Description								
Delayed Costs				-1				
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Engineering/Construction Land				0.00	\$0 \$0	n/a	\$0 \$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	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	ANNUA	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d 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 \$0	\$0	
Other (as needed)  Notes for AVOIDED costs		<u>                                     </u>		0.00	<u>  \$U</u>	<u>  \$0</u>	\$0	
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.

Customer, Respondent, or CN600631055, SHENANDOAH ESTATES Classification: NOT APPLICABLE Rating: N/A

Owner/Operator: WATER CO., INC.

Regulated Entity: RN101244408, SHENANDOAH ESTATES Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

**Location:** 1.8 MILES WEST OF INTERSTATE HIGHWAY 35 ON COUNTY ROAD 2131 IN VALLEY VIEW, COOKE COUNTY, TEXAS

76272

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0490045

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

Date Compliance History Report Prepared: December 08, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 19, 2016 to August 19, 2021

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

**Name:** Steven T. Hall **Phone:** (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

period from 01/01/2014 to 12/31/20 4.

Self Report? NO Cla ification: 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 continues are required for a cyanide monitoring and reporting violation for the lennia

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  $w = \infty$ 

EIC C3 Min(3)(C)

Self Report? NO Classification: 1inor

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 2( ), SubChaper E 20.5 (c)(4

Description: Failure to provide working li lid vel inc ator in 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)

Compliance History Report for CN600631055, RN101244408, Rating Year 2021 which includes Compliance History (CH) components from August 19, 2016, through August 19, 2021.

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

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

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2020 - The system failed to provide the results of ni ate implinito t

Executive Director for the January 1, 2020 through December 3 2020 corine

period.

Self Report? NO Classification: Moderate

Citation:

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.

<sup>\*</sup> NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

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

<sup>\*</sup> No violations documented during this investigation

ror

# Informational Purposes Only

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SHENANDOAH ESTATES WATER	§	TEXAS COMMISSION ON
CO., INC.;	§	
RN101244408	§	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 DLOOR 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.

SHENANDOAH ESTATES WATER CO., INC. Docket No. 2021-0652-PWS-E Page 5

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONME	NTAL 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

Demjamin Pence

Declarant