

**Executive Summary – Enforcement Matter – Case No. 61183**  
**TABORCA PROPERTIES, LLC**  
**RN105596860**  
**Docket No. 2021-1151-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Highland Court, 2216 Marilyn Street near Weatherford, Parker County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 1, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,250

**Amount Deferred for Expedited Settlement:** \$2,250

**Total Paid to General Revenue:** \$9,000

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 11, 2021

**Date(s) of NOE(s):** August 6, 2021

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***Violation Information***

1. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 30 connections, the Facility is required to provide 18 gpm in well capacity. However, only 15 gpm were provided, indicating a 17% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility had 30 connections requiring 60 gpm of service pump capacity. However, the water system only had one operational pump which provided 30 gpm, indicating a 50% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 30 connections requiring a pressure tank capacity of 600 gallons. However, only 260 gallons of capacity were provided, indicating a 57% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the water system did not have the potable water storage tank secured in a lockable building or enclosed with an intruder-resistant fence [30 TEX. ADMIN. CODE § 290.43(e)].
5. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, signs were not posted at the water storage tank, well, or pressure tanks [30 TEX. ADMIN. CODE § 290.46(t)].
6. Failed to obtain approval of the Executive Director prior to the installation of more than three pressure tanks at one site. Specifically, four pressure tanks were connected to the water system without approval from the Executive Director [30 TEX. ADMIN. CODE § 290.43(d)(9)].
7. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 30 connections requiring a total storage capacity of 6,000 gallons. However, only 4,500 gallons of storage capacity were provided, indicating a 25% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
8. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's ground storage tank was constructed from a black polyethylene material and did not have a roof

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vent, a roof hatch that was 30 inches in diameter, an overflow, a water level indicator, an inlet and outlet connection, drains for removing silt or deposits, and a sample connection for monitoring disinfectant residuals [30 TEX. ADMIN. CODE § 290.43(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 60 days:

- i. Provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted; and
- ii. Replace or upgrade the Facility's storage tank to meet current AWWA standards.

b. Within 75 days, submit written certification to demonstrate compliance with a.

c. Within 90 days, provide an intruder-resistant fence with a lockable gate or a lockable building that is designed to prevent intruder access to protect the Facility's potable water storage units and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended.

d. Within 105 days, submit written certification to demonstrate compliance with c.

e. Within 180 days:

- i. Provide a well capacity of at least 0.6 gpm per connection;
- ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection;
- iii. Provide a pressure tank capacity of at least 20 gallons per connection;
- iv. Provide a total storage capacity of at least 200 gallons per connection; and
- v. Submit as-built plans and specifications of the public water supply for review and approval of the four pressure tanks.

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- f. Within 195 days, submit written certification to demonstrate compliance with e.
- g. Within 270 days, obtain approval of the as-built plans and specifications.
- h. Within 285 days, submit written certification to demonstrate compliance with g.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Duncan, Enforcement Division, Enforcement Team 2, MC 219, (817) 588-5805; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Steven Scher, Owner, TABORCA PROPERTIES, LLC, 2160 Skyfarm Drive, Hillsborough, California 94010-6338

Joshua Wilkerson, Manager, TABORCA PROPERTIES, LLC, 211 East 7th Street, Suite 620, Austin, Texas 78701

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	9-Aug-2021	<b>Screening</b>	13-Aug-2021	<b>EPA Due</b>	
	<b>PCW</b>	13-Aug-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	TABORCA PROPERTIES, LLC		
<b>Reg. Ent. Ref. No.</b>	RN105596860		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61183	<b>No. of Violations</b>	8
<b>Docket No.</b>	2021-1151-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>	Samantha Duncan
		<b>EC's Team</b>	Enforcement Team 2
<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>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	50.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,750
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Notes: Enhancement for one agreed order without a denial of liability and one adjudicated final enforcement order.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,462  
 Estimated Cost of Compliance: \$29,150  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$11,250

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,250
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<b>DEFERRAL</b>	20.0%	Reduction <b>Adjustment</b>	-\$2,250
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$9,000
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**Screening Date** 13-Aug-2021

**Docket No.** 2021-1151-PWS-E

**PCW**

**Respondent** TABORCA PROPERTIES, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61183

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN105596860

**Media** Public Water Supply

**Enf. Coordinator** Samantha Duncan

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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)** 50%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

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

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 50%

**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 30 connections, the Facility is required to provide 18 gpm in well capacity. However, only 15 gpm were provided, indicating a 17% deficiency.

**Base Penalty** \$5,000

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

<b>OR</b>			<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential		x		<b>Percent</b>	5.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b>	0.0%
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Matrix Notes

Failure to provide adequate well capacity could expose persons served by the Facility to low pressure and outages allowing a significant amount of contaminants to enter the water which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 63 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Notes

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

**Violation Subtotal** \$250

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

**Statutory Limit Test**

**Estimated EB Amount** \$459

**Violation Final Penalty Total** \$375

**This violation Final Assessed Penalty (adjusted for limits)** \$375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	11-Jun-2021	3-Oct-2022	1.31	\$22	\$437	\$459
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

The delayed cost includes the estimated amount to provide a well capacity of at least 0.6 gpm per connection, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

**TOTAL** \$459



**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(B)(iii) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility had 30 connections requiring 60 gpm of service pump capacity. However, the water system only had one operational pump which provided 30 gpm, indicating a 50% deficiency.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to provide the minimum number of service pumps could result in water outages and low pressure problems, exposing persons served by the Facility to a significant amount of contaminants which would not exceed level protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 63 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

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

**Violation Subtotal** \$250

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

**Statutory Limit Test**

**Estimated EB Amount** \$459

**Violation Final Penalty Total** \$375

**This violation Final Assessed Penalty (adjusted for limits)** \$375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$5,000	11-Jun-2021	3-Oct-2022	1.31	\$22	\$437	\$459
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**

The delayed cost includes the estimated amount to provide two or more operational service pumps with a total capacity of at least 2.0 gpm per connection, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$459

**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 30 connections requiring a pressure tank capacity of 600 gallons. However, only 260 gallons of capacity were provided, indicating a 57% deficiency.

**Base Penalty** \$5,000

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to provide adequate pressure tank capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 3 63 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,250

Three monthly events are recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**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** \$2,250

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

**Statutory Limit Test**

**Estimated EB Amount** \$459

**Violation Final Penalty Total** \$3,375

**This violation Final Assessed Penalty (adjusted for limits)** \$3,375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**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)	\$5,000	11-Jun-2021	3-Oct-2022	1.31	\$22	\$437	\$459
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**

The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$459

**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code § 290.43(e)

**Violation Description** Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the water system did not have the potable water storage tank secured in a lockable building or enclosed with an intruder-resistant fence.

**Base Penalty** \$5,000

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to protect the potable water storage tank could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 3 63 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,250

Three monthly events are recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**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** \$2,250

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

**Statutory Limit Test**

**Estimated EB Amount** \$149

**Violation Final Penalty Total** \$3,375

**This violation Final Assessed Penalty (adjusted for limits)** \$3,375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**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)	\$2,000	11-Jun-2021	5-Jul-2022	1.07	\$7	\$142	\$149
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**

The delayed cost includes the estimated amount to provide a lockable building that is designed to prevent intruder access or enclose the potable water storage tank within an intruder-resistant fence with lockable gates, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$2,000

**TOTAL** \$149

**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 5

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(t)

**Violation Description**

Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, signs were not posted at the water storage tank, well, or pressure tanks.

**Base Penalty** \$5,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

**Percent** 10.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$4,500

\$500

**Violation Events**

Number of Violation Events 3

63 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,500

Three single events are recommended, one for each Facility.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

**Violation Subtotal** \$1,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$10

**Violation Final Penalty Total** \$2,250

**This violation Final Assessed Penalty (adjusted for limits)** \$2,250

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**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)	\$150	11-Jun-2021	5-Jun-2022	0.98	\$0	\$10	\$10
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**

The delayed cost includes the estimated amount to post a legible sign that contains the name of the Facility and an emergency telephone number at the water storage tank, well, and pressure tanks (\$50 per sign x three facilities), calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$150

**TOTAL** \$10



**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to obtain approval of the Executive Director prior to the installation of more than three pressure tanks at one site. Specifically, four pressure tanks were connected to the water system without approval from the Executive Director.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

Matrix Notes

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

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

Notes

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	11-Jun-2021	3-Oct-2022	1.31	\$328	n/a	\$328

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to request approval for the fourth pressure tank at the Facility, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$328

**Screening Date** 13-Aug-2021  
**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Docket No.** 2021-1151-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 7

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 30 connections requiring a total storage capacity of 6,000 gallons. However, only 4,500 gallons of storage capacity were provided, indicating a 25% deficiency.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to provide adequate total storage capacity could expose persons served by the Facility to low pressure and outages allowing a significant amount of contaminants to enter the water which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 63 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**Good Faith Efforts to Comply**

**0.0%** Reduction \$0

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

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

**Violation Subtotal** \$250

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

**Statutory Limit Test**

**Estimated EB Amount** \$459

**Violation Final Penalty Total** \$375

**This violation Final Assessed Penalty (adjusted for limits)** \$375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	11-Jun-2021	3-Oct-2022	1.31	\$22	\$437	\$459
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**

The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$459

**Screening Date** 13-Aug-2021 **Docket No.** 2021-1151-PWS-E **PCW**  
**Respondent** TABORCA PROPERTIES, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61183 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Duncan

**Violation Number** 8

**Rule Cite(s)** 30 Tex. Admin. Code § 290.43(c)

**Violation Description** Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's ground storage tank was constructed from a black polyethylene material and did not have: a roof vent, a roof hatch that was 30 inches in diameter, an overflow, a water level indicator, an inlet and outlet connection, drains for removing silt or deposits, and a sample connection for monitoring disinfectant residuals.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to ensure that the potable water storage tank is properly constructed could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 1 63 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended, calculated from the date of the record review, June 11, 2021, to the date of screening, August 13, 2021.

**Good Faith Efforts to Comply**

0.0% Reduction \$0

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

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

**Violation Subtotal** \$250

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

**Statutory Limit Test**

Estimated EB Amount \$138 Violation Final Penalty Total \$375

**This violation Final Assessed Penalty (adjusted for limits)** \$375

# Economic Benefit Worksheet

**Respondent** TABORCA PROPERTIES, LLC  
**Case ID No.** 61183  
**Reg. Ent. Reference No.** RN105596860  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$2,000	11-Jun-2021	5-Jun-2022	0.98	\$7	\$131	\$138
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**

The delayed cost includes the estimated amount to replace or upgrade the Facility's storage tank to meet current AWWA standards, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$138

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN605631498, RN105596860, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN605631498, TABORCA PROPERTIES, LLC **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN105596860, HIGHLAND COURT **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 2216 MARILYN STREET NEAR WEATHERFORD, PARKER COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1840171

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

**Date Compliance History Report Prepared:** December 22, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 13, 2016 to December 13, 2021

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

**Name:** Samantha Duncan

**Phone:** (817) 588-5805

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Taborca Properties, LLC OWNER since 8/10/2018
- 4) Who was/were the prior owner(s)/operator(s)? Rc Dfw Properties LLC, OWNER, 7/6/2018 to 8/9/2018  
2012 Weatherford Holdings, LLC, OWNER, 12/11/2012 to 7/5/2018

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

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

- 1 Effective Date: 08/04/2020 ADMINORDER 2019-1706-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: COMB RAD/GA MCL 2Q2019 - During the 2nd quarter of 2019 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 8 pCi/L and violated the maximum contaminant level for gross alpha with a RAA of 32 pCi/L.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: COMB RAD MCL 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 8 pCi/L.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: COMB RAD MCL 4Q2018 - During the 4th quarter of 2018 the system violated the maximum contaminant level for combined radium 226 and 228 with a RAA of 8 pCi/L.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: GA MCL 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for gross alpha with a RAA of 32 pCi/L.

Classification: Moderate

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

Description: GA MCL 4Q2018 - During the 4th quarter of 2018 the system violated the maximum contaminant level for gross alpha with a RAA of 29 pCi/L.

2 Effective Date: 12/16/2020 ADMINORDER 2018-0994-PWS-E (Findings Order-After Hearing/Trial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failed to keep on file copies of well completion data, as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), for as long as the well remains in service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's well.

Classification: Moderate

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

Description: Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 30 connections, the Facility is required to provide 18 gpm in well capacity. However, only 15 gpm were provided, indicating a 17% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of at least 200 gallons per connection. Specifically, with 30 connections, the Facility is required to provide 6,000 gallons in storage capacity. However, only 4,500 gallons were provided, indicating a 25% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more service pumps which have a total capacity of 2.0 gpm per connection. Specifically, with 30 connections, the Facility is required to provide 60 gpm in service pump capacity. However, only one service pump with an estimated capacity of 20 gpm was provided, indicating a 67% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, with 30 connections, the Facility is required to provide a pressure tank capacity of 600 gallons. However, only 164 gallons were provided, indicating a 73% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, on February 6, 2018, a free chlorine residual of 0.02 mg/L was measured at 2216 Marilyn Street.

Classification: Moderate

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

Description: Failed to ensure each water treatment plant and all appurtenances thereof are enclosed by an intruder-resistant fence. Specifically, the fence around the water plant was not intruder-resistant.

Classification: Minor

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

Description: Failed to post a legible sign at each of the Facility's production, treatment, and storage facilities which is located in plain view of the public and contains the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, there was no sign posted at the water plant.



Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

Description: Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface.

Classification: Moderate

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

Description: Failed to provide a ground storage tank that is covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards and provided with the minimum number, size, and type of roof vents, man ways, drains, sample connections, access ladders, overflows, liquid level indicators, and other appurtenances.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

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

Item 2                      August 10, 2018                      (1506020)

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

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

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TABORCA PROPERTIES, LLC  
RN105596860**

**§  
§  
§  
§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-1151-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TABORCA PROPERTIES, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 2216 Marilyn Street near Weatherford, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 30 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,000 of the penalty and \$2,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

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

## **II. ALLEGATIONS**

During a record review conducted on June 11, 2021, an investigator documented that the Respondent:

1. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, with 30 connections, the Facility is required to provide 18 gpm in well capacity. However, only 15 gpm were provided, indicating a 17% deficiency.
2. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 30 connections requiring 60 gpm of service pump capacity. However, the water system only had one operational pump which provided 30 gpm, indicating a 50% deficiency.
3. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 30 connections requiring a pressure tank capacity of 600 gallons. However, only 260 gallons of capacity were provided, indicating a 57% deficiency.
4. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e). Specifically, the water system did not have the potable water storage tank secured in a lockable building or enclosed with an intruder-resistant fence.
5. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a

responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t). Specifically, signs were not posted at the water storage tank, well, or pressure tanks.

6. Failed to obtain approval of the Executive Director prior to the installation of more than three pressure tanks at one site, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(9). Specifically, four pressure tanks were connected to the water system without approval from the Executive Director.
7. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 30 connections requiring a total storage capacity of 6,000 gallons. However, only 4,500 gallons of storage capacity were provided, indicating a 25% deficiency.
8. Failed to ensure that all potable water storage facilities are covered and designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c). Specifically, the Facility's ground storage tank was constructed from a black polyethylene material and did not have a roof vent, a roof hatch that was 30 inches in diameter, an overflow, a water level indicator, an inlet and outlet connection, drains for removing silt or deposits, and a sample connection for monitoring disinfectant residuals.

### **III. DENIALS**

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

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TABORCA PROPERTIES, LLC, Docket No. 2021-1151-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Order:

- i. Provide a legible sign at each production, treatment, and storage facility with an emergency phone number where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - ii. Replace or upgrade the Facility's storage tank to meet current AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- b. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
- c. Within 90 days after the effective date of this Order, provide an intruder-resistant fence with a lockable gate or a lockable building that is designed to prevent intruder access to protect the Facility's potable water storage units and pressure maintenance facilities that remains locked during periods of darkness and when the Facility is unattended, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- d. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Order:
- i. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide two or more service pumps having a total capacity of at least 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - iii. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - iv. Provide a total storage capacity of at least 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
  - v. Submit as-built plans and specifications of the public water supply for review and approval of the four pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.43. The plans and specifications shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning as-built plans within 15 days after the date of such requests, or by any other deadline specified in writing.

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i through 2.e.v.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- h. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

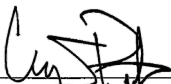
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

7/5/2022  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

2/8/22  
\_\_\_\_\_  
Date

Steve Scher  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
TABORCA PROPERTIES, LLC

Owner  
\_\_\_\_\_  
Title

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