

Executive Summary – Enforcement Matter – Case No. 61599
Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water
RN101439875
Docket No. 2021-1526-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

EJ Water, located 0.3 mile south of Texas State Highway 31 and Shell Road near Gladewater, Gladewater, Gregg County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 22, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,024

Amount Deferred for Expedited Settlement: \$2,204

Total Paid to General Revenue: \$245

Total Due to General Revenue: \$8,575

Payment Plan: 35 payments of \$245 each

Compliance History Classifications:

CN603579921

Person/CN - N/A

Site/RN - N/A

CN604164756

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$145

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 22, 2021 through September 23, 2021

Date(s) of NOE(s): November 18, 2021

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Violation Information

1. Failed to locate the Facility's well at least 150 feet away from septic tank perforated drainfields, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption beds, evapotranspiration beds, improperly constructed water wells, or underground petroleum and chemical storage tanks or liquid transmission pipelines. Specifically, Well No. 2 at the Shell Plant was approximately 45 feet from a sewer main where sewage from the adjacent mobile homes is collected for transferring to the city sewer main [30 TEX. ADMIN. CODE § 290.41(c)(1)(A)].
2. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
3. Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. Specifically, the Respondents did not have any chlorine scales [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].
4. Failed to maintain a minimum disinfectant residual of 0.2 milligram per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, free chlorine residual concentrations of 0.03 mg/L were measured on School Road and at the Garcia Plant Entry Point [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to provide the wells with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot. Specifically, the concrete sealing block on Well No. 2 did not extend three feet in all directions around the well casing and had several cracks [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].
6. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Hill Plant, the chlorine building was dilapidated, the fence barbed wire was loose, the coating on the pressure tank was chipping and peeling off, the pump building was flooded and had standing water under it, and the out of service storage tank was holding water. Additionally, the pump houses at the Shell Plant and the Garcia Plant had numerous wasp nests and the out of service elevated tank at the Shell Plant was overgrown in vegetation [30 TEX. ADMIN. CODE § 290.46(m)].
7. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, there were no vents for the chlorine room at the Hill Plant [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].

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8. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, on several occasions, samples were collected every 8 or 9 days. In addition, the disinfectant residual at the Garcia Pressure Plane was not being monitored [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].

9. Failed to conduct an inspection of the interior of the Facility's pressure tank with an inspection port at least once every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

10. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, the blow-off line at Well No. 2 did not terminate in a downward direction [30 TEX. ADMIN. CODE § 290.41(c)(3)(L)].

11. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, the header for the service pump at the Hill Plant was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].

12. Failed to seal the wellhead by a gasket or sealing compound. Specifically, the Shell Plant well casing metal plate had been sealed with silicone previously but had degraded over time leaving a gap [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

13. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Shell Plant Pressure Plane had 119 connections requiring a pressure tank capacity of 2,380 gallons. However, only 20 gallons of pressure tank capacity were provided, indicating a 99% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

14. Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, Online Pool Shock, Liquid Chlorinating Chemical for Swimming Pools was used for disinfection at the Garcia Plant, which does not conform to ANSI/NSF Standard 60 [30 TEX. ADMIN. CODE § 290.42(j)].

15. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Hill Plant only had one service pump [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

16. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week, a daily record or a monthly summary of the work performed and the number of hours worked by each of the part-

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time operators, and maintenance records for the water system equipment and facilities, were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(vi), and (f)(3)(A)(vii)].

17. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the monitoring plan lacked information on entry point sampling and triggered source water monitoring [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

18. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].

19. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].

20. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrected measures:

- a. By maintaining a disinfectant residual concentration of at least 0.2 mg/L free chlorine throughout the distribution system by September 23, 2021;
- b. By providing a concrete sealing block around the Facility's Well No. 2 that extends a minimum of three feet from the exterior well casing in all directions and has a thickness of six inches and sealing the cracks on the sealing block by January 5, 2022;
- c. By sealing the Shell Plant's well casing by January 10, 2022;
- d. By installing the well blow-off line on Well No. 2 by January 10, 2022;
- e. By calibrating the Facility's well meters by September 6, 2022;
- f. By providing high level and floor level screened vents for all rooms where chlorine gas is fed by September 6, 2022;

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- g. By compiling and maintaining properly completed water works operation and maintenance records, including but not limited to a daily record or a monthly summary of the work performed, and the number of hours worked by each of the part-time operators, and maintenance records for the water system equipment and facilities by September 13, 2022;
- h. By providing an up-to-date map of the distribution system so that valves and mains can be easily located during emergencies by September 13, 2022;
- i. By providing accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank by September 13, 2022;
- j. By maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to repairing the service pump header leak at the Hill Plant by September 19, 2022;
- k. By initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the wasp nests at the pump houses for the Shell Plant and the Garcia Plant by September 19, 2022;
- l. By providing facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use by September 20, 2022;
- m. By refurbishing and repainting the pressure tank by October 18, 2022; and
- n. By maintaining a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements by January 3, 2023.

Technical Requirements:

The Order will require the Respondents to:

- a. Within 30 days:
 - i. Provide a full-face SCBA or supplied air respirator that meets OSHA standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency;
 - ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week;

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- iii. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;
 - iv. Conduct an inspection of the interior of the Facility's pressure tank;
 - v. Begin using a disinfectant that is ANSI/NSF Standard 60 certified; and
 - vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the dilapidated chlorine building at the Hill Plant, repairing the loose barbed wire on the fence at the Hill Plant, remove the water at the pump building at the Hill Plant, remove the water from the out of service storage tank at the Hill Plant, remove the overgrown vegetation from the out of service elevated tank at the Shell Plant.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 180 days:
- i. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection;
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane; and
 - iii. Ensure that no well is located within 150 feet of a septic tank perforated drainfield or obtain Commission approval of an exception to the setback requirements.
- d. Within 195 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6991; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: David Michael Chandler, Owner, EJ Water, P.O. Box 9909, Longview, Texas 75608

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Nov-2021	Screening	23-Nov-2021	EPA Due	
	PCW	23-Nov-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Reg. Ent. Ref. No.	RN101439875
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61599	No. of Violations	15
Docket No.	2021-1526-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$127
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$10,470
 Estimated Cost of Compliance: \$41,977
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,473
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.5% Adjustment	\$51
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation Nos. 8 and 9.

Final Penalty Amount	\$10,524
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,524
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,104
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,420
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Screening Date 23-Nov-2021

Docket No. 2021-1526-PWS-E

PCW

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ

Policy Revision 5 (January 28, 2021)

Case ID No. 61599

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101439875

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 23-Nov-2021

Docket No. 2021-1526-PWS-E

PCW

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ

Case ID No. Water (PCW No.1)

Policy Revision 5 (January 28, 2021)

Reg. Ent. Reference No. 61599

PCW Revision February 11, 2021

Media RN101439875

Enf. Coordinator Public Water Supply

Violation Number Epifanio Villarreal

Rule Cite(s) 1

30 Tex. Admin. Code § 290.41(c)(1)(A)

Violation Description

Failed to locate the Facility's well at least 150 feet away from septic tank perforated drainfields, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption beds, evapotranspiration beds, improperly constructed water wells, or underground petroleum and chemical storage tanks or liquid transmission pipelines. Specifically, Well No. 2 at the Shell Plant was approximately 45 feet from a sewer main where sewage from the adjacent mobile homes is collected for transferring to the city sewer main.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to locate the well at least 150 feet from unsanitary surroundings could result in contamination of the water supply and expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 62 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 investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,757

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
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)	\$25,000	28-Mar-2019	1-Sep-2023	4.43	\$369	\$7,388	\$7,757
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 relocate the well to ensure it is located at least 150 feet away from the septic tank drainfield or obtain an exception, calculated from the date of the investigation initially documenting the violation 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

\$25,000

TOTAL

\$7,757

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes Failure to provide a full-face SCBA or supplied air respirator that meets OSHA standards could expose employees to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
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	\$1,100	28-Mar-2019	1-Apr-2023	4.01	\$15	\$294	\$309
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 a full-face SCBA or a supplied air respirator that meets OSHA standards and is readily accessible outside the chlorinator room, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,100

TOTAL

\$309

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(3)(D)			
Violation Description	Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. Specifically, the Respondent did not have any chlorine scales.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 Failure to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use 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 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 investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal \$250

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 Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	28-Mar-2019	20-Sep-2022	3.48	\$2	\$46	\$48
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 facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$48

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description
 Failed to maintain a minimum disinfectant residual of 0.2 milligram per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, free chlorine residual concentrations of 0.03 mg/L were measured on School Road and at the Garcia Plant Entry Point.

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 maintain proper levels of disinfection could expose persons served by the Facility 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 1 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 investigation, September 22, 2021, to the date of compliance, September 23, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondents achieved compliance on September 23, 2021.

Violation Subtotal \$188

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

Estimated EB Amount \$12 **Violation Final Penalty Total** \$189

This violation Final Assessed Penalty (adjusted for limits) \$189

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Mar-2019	23-Sep-2021	2.49	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost includes the estimated amount to determine the cause of non-compliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L free chlorine throughout the distribution system, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$12

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent Case ID No.	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1) 61599	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(J)			
Violation Description	Failed to provide the wells with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot. Specifically, the concrete sealing block on Well No. 2 did not extend three feet in all directions around the well casing and had several cracks.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
Failure to provide the well with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions and slopes to drain away from the wellhead at not less than 0.25 inch per foot 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 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 investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply Reduction

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

Notes
The Respondents achieved compliance on January 5, 2022.

Violation Subtotal \$225

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

Estimated EB Amount \$584 **Violation Final Penalty Total** \$226

This violation Final Assessed Penalty (adjusted for limits) \$226

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$3,000	28-Mar-2019	5-Jan-2022	2.78	\$28	\$556	\$584
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 Well No. 2 with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions and has a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$584

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Hill Plant, the coating on the pressure tank was chipping and peeling off, the pump building was flooded and had standing water under it, and the out of service storage tank was holding water. Additionally, the pump houses at the Shell Plant and the Garcia Plant had numerous wasp nests and the out of service elevated tank at the Shell Plant was overgrown in vegetation.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	22-Sep-2021	1-Apr-2023	1.52	\$3	\$51	\$54
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 remove the water at the pump building, remove the water from the out of service storage tank, and refurbish and repaint the pressure tank at the Hill Plant, remove the wasp nests at the pump houses for the Shell Plant and the Garcia Plant, and remove the overgrown vegetation from the out of service elevated tank at the Shell Plant, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$54

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(C)			
Violation Description	Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, there were no vents for the chlorine room at the Hill Plant.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to provide ventilation could expose employees to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 3 62 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 investigation, September 22, 2021, to the date of screening, November 23, 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 Respondents do 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 \$241 **Violation Final Penalty Total** \$2,261

This violation Final Assessed Penalty (adjusted for limits) \$2,261

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
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	\$1,000	28-Mar-2019	6-Sep-2022	3.45	\$11	\$230	\$241
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 install high level and floor level screened vents for the chlorine room at the Hill Plant, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$241

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)

Violation Description
 Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, on several occasions, samples were collected every 8 or 9 days. In addition, the disinfectant residual on the Garcia Pressure Plane was not being monitored.

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 monitor the disinfectant residual at representative locations throughout the distribution system could expose persons served by the Facility 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 62 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 investigation, September 22, 2021, to the date of screening, November 23, 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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	22-Sep-2021	1-Apr-2023	1.52	\$1	n/a	\$1

Notes for DELAYED costs

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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$10	22-Sep-2021	23-Nov-2021	0.17	\$0	\$10	\$10

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$20

TOTAL

\$11

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description Failed to conduct an inspection of the interior of the Facility's pressure tank with an inspection port at least once every five years.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes Failure to inspect the interior of the Facility's pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$41	22-Sep-2021	1-Apr-2023	1.52	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to inspect the interior surface of the pressure tank (\$41 per tank x one tank), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$41	22-Sep-2021	23-Nov-2021	0.17	\$0	\$41	\$41

Notes for AVOIDED costs

The avoided cost includes the estimated amount to inspect the interior surface of the pressure tank (\$41 per tank x one tank), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$82

TOTAL

\$44

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(L)			
Violation Description	Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, the blow-off line at Well No. 2 did not terminate in a downward direction.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	
					Percent 3.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to provide a blow-off line discharge openings that terminates in a downward direction may allow the introduction of an insignificant amount of contaminants to the drinking water supply which would not exceed levels protective of human health.				
					Adjustment \$4,850
					\$150

Violation Events

Number of Violation Events	1	62	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$150
One single event is recommended.			

Good Faith Efforts to Comply **10.0%** Reduction \$15

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondents achieved compliance on January 10, 2022.	
		Violation Subtotal \$135

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

Estimated EB Amount	\$1	Violation Final Penalty Total	\$136
		This violation Final Assessed Penalty (adjusted for limits)	\$136

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	22-Sep-2021	10-Jan-2022	0.30	\$0	\$1	\$1
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 install a well blow-off line discharge opening for Well No. 2 that terminates in a downward direction, calculated from the date of the investigation to the date of compliance.							

Avoided Costs

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

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

Approx. Cost of Compliance \$50

TOTAL \$1

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)
Violation Description Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, the header for the service pump at the Hill Plant was leaking.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Failure to maintain the Facility's equipment in a watertight condition could expose persons served by the Facility 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 62 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 investigation, September 22, 2021, to the date of screening, November 23, 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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

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

Estimated EB Amount \$35 **Violation Final Penalty Total** \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	22-Sep-2021	19-Sep-2022	0.99	\$2	\$33	\$35
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 repair the service pump header leak at the Hill Plant, (\$500 per facility x one facility), calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$35

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(K)			
Violation Description	Failed to seal the wellhead by a gasket or sealing compound. Specifically, the Shell Plant well casing metal plate had been sealed with silicone previously but had degraded over time leaving a gap.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to seal the wellhead could expose persons served by the Facility 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 62 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 investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply 10.0% Reduction \$25

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

Notes: The Respondents achieved compliance on January 10, 2022.

Violation Subtotal \$225

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$226

This violation Final Assessed Penalty (adjusted for limits) \$226

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 12

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	\$300	22-Sep-2021	10-Jan-2022	0.30	\$0	\$6	\$6
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 properly seal the wellhead for the Shell Plant well, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$6

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Shell Plant Pressure Plane had 119 connections requiring a pressure tank capacity of 2,380 gallons. However, only 20 gallons of pressure tank capacity were provided, indicating a 99% 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 62 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 investigation, September 22, 2021, to the date of screening, November 23, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondents do 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 \$679 **Violation Final Penalty Total** \$2,261

This violation Final Assessed Penalty (adjusted for limits) \$2,261

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 13

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	22-Sep-2021	1-Sep-2023	1.94	\$32	\$647	\$679
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 investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$679

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) *Policy Revision 5 (January 28, 2021)*
61599 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.42(j)

Violation Description Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, Online Pool Shock, Liquid Chlorinating Chemical for Swimming Pools was used for disinfection at the Garcia Plant, which does not conform to ANSI/NSF Standard 60.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to use approved disinfectants could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$150

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

Estimated EB Amount \$10 **Violation Final Penalty Total** \$151

This violation Final Assessed Penalty (adjusted for limits) \$151

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	22-Sep-2021	1-Apr-2023	1.52	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that all chemicals used in treatment of water supplied by public water systems conform to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$10

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No.1) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(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 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Hill Plant only had one service pump.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$150

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

Estimated EB Amount \$679 **Violation Final Penalty Total** \$151

This violation Final Assessed Penalty (adjusted for limits) \$151

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No.1)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 15

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	22-Sep-2021	1-Sep-2023	1.94	\$32	\$647	\$679
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 pumps having a total capacity of at least 2.0 gpm per connection at each pump station or pressure plane, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$679



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Nov-2021	Screening	23-Nov-2021	EPA Due	
	PCW	23-Nov-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Reg. Ent. Ref. No.	RN101439875
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61599	No. of Violations	6
Docket No.	2021-1526-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$355
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$257
 Estimated Cost of Compliance: \$1,147
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$355
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$355
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$500
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DEFERRAL	20.0% Reduction	Adjustment	-\$100
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$400
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Screening Date 23-Nov-2021

Docket No. 2021-1526-PWS-E

PCW

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ

Policy Revision 5 (January 28, 2021)

Case ID No. 61599

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101439875

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
 Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Respondent Water (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61599 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(vi), and (f)(3)(A)(vii)

Violation Description
 Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week, a daily record or a monthly summary of the work performed and the number of hours worked by each of the part-time operators, and maintenance records for the water system equipment and facilities, were not maintained on-site for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes
 At least 70% of the rule requirements were met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$10

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$10

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	28-Mar-2019	1-Apr-2023	4.01	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation 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 \$45

TOTAL \$9

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b)			
Violation Description	Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the monitoring plan lacked information on entry point sampling and triggered source water monitoring.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
Potential				0.0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
Between 30% and 70% of the rule requirements were not met.					
Adjustment					\$975

Violation Events

Number of Violation Events	1	62	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event		x	

Violation Base Penalty \$25

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$25

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

Estimated EB Amount \$34 **Violation Final Penalty Total** \$25

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Mar-2019	3-Jan-2023	3.77	\$34	n/a	\$34

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$34

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(2)			
Violation Description	Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$900

\$100

Violation Events

Number of Violation Events	1	62	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$100
	One single event is recommended.		

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondents do not meet the good faith criteria for this violation.	
		Violation Subtotal \$100

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

Estimated EB Amount	\$31	Violation Final Penalty Total	\$100
This violation Final Assessed Penalty (adjusted for limits)		\$100	

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Mar-2019	13-Sep-2022	3.47	\$31	n/a	\$31
Notes for DELAYED costs	The delayed cost includes the estimated amount to make available an up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation initially documenting the violation to the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$180

TOTAL \$31

Screening Date	23-Nov-2021	Docket No.	2021-1526-PWS-E	PCW
Respondent	Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61599			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101439875			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §290.46(s)(1)			
Violation Description	Failed to calibrate the Facility's well meters at least once every three years.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to calibrate the well meters could result in inaccurate water usage or unavailable water usage and production data which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.				
					Adjustment \$970

\$30

Violation Events

Number of Violation Events	2	62	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$60
Two single events are recommended.			

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondents do not meet the good faith criteria for this violation.	
		Violation Subtotal \$60

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

Estimated EB Amount	\$11	Violation Final Penalty Total	\$60
This violation Final Assessed Penalty (adjusted for limits)		\$100	

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$62	28-Mar-2019	6-Sep-2022	3.45	\$11	n/a	\$11

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's well meters (\$31 per well meter x two meters), calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$62

TOTAL \$11

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. Water (PCW No. 2) 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Mar-2019	13-Sep-2022	3.47	\$31	n/a	\$31
Notes for DELAYED costs	The delayed cost includes the estimated amount to compile and maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation initially documenting the violation to the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$180

TOTAL \$31

Screening Date 23-Nov-2021 **Docket No.** 2021-1526-PWS-E **PCW**
Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ
Case ID No. 61599 *Policy Revision 5 (January 28, 2021)*
Reg. Ent. Reference No. RN101439875 *PCW Revision February 11, 2021*
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)
Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Hill Plant, the chlorine building was dilapidated and the fence barbed wire was loose.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent 0.0%
	Failure to ensure the good working condition and general appearance of the system's facilities and its equipment could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.				

Adjustment \$970

\$30

Violation Events

Number of Violation Events 2 62 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$60

Two single events are recommended (one event per facility/equipment).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$60

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

Estimated EB Amount \$141 **Violation Final Penalty Total** \$60

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (PCW No. 2)
Case ID No. 61599
Reg. Ent. Reference No. RN101439875
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-Mar-2019	1-Apr-2023	4.01	\$7	\$134	\$141
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 repair the chlorine dilapidated building and repair the loose fence barbed wire, calculated from the date of the investigation initially documenting the violation 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 \$500

TOTAL \$141



Compliance History Report

Compliance History Report for CN603579921, RN101439875, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603579921, CHANDLER, DAVID MICHAEL **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101439875, EJ WATER **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: LOCATED 0.3 MI S OF HWY 31 AND SHELL ROAD NEAR GLADEWATER, IN GREGG COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0920023

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

Date Compliance History Report Prepared: August 02, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 02, 2017 to August 02, 2022

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

Name: Epifanio Villarreal **Phone:** (361) 881-6991

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.

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



Compliance History Report

Compliance History Report for CN604164756, RN101439875, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN604164756, HERITAGE ACRES, LLC	Classification:	UNCLASSIFIED	Rating:	-----
Regulated Entity:	RN101439875, EJ WATER	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	LOCATED 0.3 MI S OF HWY 31 AND SHELL RD IN GREGG COUNTY GREGG, TX, GREGG COUNTY				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0920023				
Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	September 12, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	September 12, 2017 to September 12, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	EPIFANIO VILLARREAL			Phone:	(361) 881-6991

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.

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
HERITAGE ACRES, LLC DBA EJ
WATER AND DAVID MICHAEL
CHANDLER DBA EJ WATER
RN101439875**

§
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§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1526-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 Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water (the "Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a public water supply located 0.3 miles south of Texas State Highway 31 and Shell Road near Gladewater, in Gregg County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 142 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 Respondents 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 Respondents are 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,024 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$245 of the penalty and \$2,204 is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$8,575 of the undeferred penalty shall be paid in 35 monthly payments of \$245 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondents fail to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondents 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 Respondents have 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.
9. The Executive Director recognizes that the Respondents implemented the following corrected measures at the Facility:
 - a. By maintaining a disinfectant residual concentration of at least 0.2 milligram per liter ("mg/L") free chlorine throughout the distribution system by September 23, 2021;
 - b. By providing a concrete sealing block around the Facility's Well No. 2 that extends a minimum of three feet from the exterior well casing in all directions and has a thickness of six inches and sealing the cracks on the sealing block by January 5, 2022;
 - c. By sealing the Shell Plant's well casing by January 10, 2022;
 - d. By installing the well blow-off line on Well No. 2 by January 10, 2022;
 - e. By calibrating the Facility's well meters by September 6, 2022;

- f. By providing high level and floor level screened vents for all rooms where chlorine gas is fed by September 6, 2022;
- g. By compiling and maintaining properly completed water works operation and maintenance records, including but not limited to a daily record or a monthly summary of the work performed, and the number of hours worked by each of the part-time operators, and maintenance records for the water system equipment and facilities by September 13, 2022;
- h. By providing an up-to-date map of the distribution system so that valves and mains can be easily located during emergencies by September 13, 2022;
- i. By providing accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank by September 13, 2022;
- j. By maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to repairing the service pump header leak at the Hill Plant by September 19, 2022;
- k. By initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the wasp nests at the pump houses for the Shell Plant and the Garcia Plant by September 19, 2022;
- l. By providing facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use by September 20, 2022;
- m. By refurbishing and repainting the pressure tank by October 18, 2022; and
- n. By maintaining a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements by January 3, 2023.

II. ALLEGATIONS

During an investigation at the Facility conducted on September 22, 2021 through September 23, 2021, an investigator documented that the Respondents:

1. Failed to locate the Facility's well at least 150 feet away from septic tank perforated drainfields, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption beds, evapotranspiration beds, improperly constructed water wells, or underground petroleum and chemical storage tanks or liquid transmission pipelines, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(A). Specifically, Well No. 2 at the Shell Plant was approximately 45 feet from a sewer main where sewage from the adjacent mobile homes is collected for transferring to the city sewer main.

2. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
3. Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(D). Specifically, the Respondents did not have any chlorine scales.
4. Failed to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, free chlorine residual concentrations of 0.03 mg/L were measured on School Road and at the Garcia Plant Entry Point.
5. Failed to provide the wells with a concrete sealing block that extends a minimum of three feet from the exterior well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J). Specifically, the concrete sealing block on Well No. 2 did not extend three feet in all directions around the well casing and had several cracks.
6. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, at the Hill Plant, the chlorine building was dilapidated, the fence barbed wire was loose, the coating on the pressure tank was chipping and peeling off, the pump building was flooded and had standing water under it, and the out of service storage tank was holding water. Additionally, the pump houses at the Shell Plant and the Garcia Plant had numerous wasp nests and the out of service elevated tank at the Shell Plant was overgrown in vegetation.
7. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C). Specifically, there were no vents for the chlorine room at the Hill Plant.
8. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A). Specifically, on several occasions, samples were collected every 8 or 9 days. In addition, the disinfectant residual at the Garcia Pressure Plane was not being monitored.
9. Failed to conduct an inspection of the interior of the Facility's pressure tank with an inspection port at least once every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
10. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters, in violation of 30 TEX. ADMIN. CODE

- § 290.41(c)(3)(L). Specifically, the blow-off line at Well No. 2 did not terminate in a downward direction.
11. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, the header for the service pump at the Hill Plant was leaking.
 12. Failed to seal the wellhead by a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K). Specifically, the Shell Plant well casing metal plate had been sealed with silicone previously but had degraded over time leaving a gap.
 13. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Shell Plant Pressure Plane had 119 connections requiring a pressure tank capacity of 2,380 gallons. However, only 20 gallons of pressure tank capacity were provided, indicating a 99% deficiency.
 14. Failed to use an approved chemical or media for the treatment of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j). Specifically, Online Pool Shock, Liquid Chlorinating Chemical for Swimming Pools was used for disinfection at the Garcia Plant, which does not conform to ANSI/NSF Standard 60.
 15. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Hill Plant only had one service pump.
 16. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(vi), and (f)(3)(A)(vii). Specifically, records of the amount of each chemical used each week, a daily record or a monthly summary of the work performed and the number of hours worked by each of the part-time operators, and maintenance records for the water system equipment and facilities, were not maintained on-site for review.
 17. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan lacked information on entry point sampling and triggered source water monitoring.
 18. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).

19. Failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
20. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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: Heritage Acres, LLC dba EJ Water and David Michael Chandler dba EJ Water, Docket No. 2021-1526-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 Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Provide a full-face SCBA or supplied air respirator that meets OSHA standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iii. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - iv. Conduct an inspection of the interior of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Begin using a disinfectant that is ANSI/NSF Standard 60 certified, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the dilapidated chlorine building at the Hill Plant, repairing the loose barbed wire on the fence at the Hill Plant, remove the water at the pump building at the Hill Plant, remove the water from the out of service storage tank at the Hill Plant, remove the overgrown vegetation from the out of service elevated tank at the Shell Plant, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.vi.
- c. Within 180 days after the effective date of this Order:
- i. Provide an elevated storage capacity of at least 100 gallons per connection or a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, in accordance with TEX. ADMIN. CODE § 290.45; and
 - iii. Ensure that no well is located within 150 feet of a septic tank perforated drainfield, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the setback requirements pursuant to 30 TEX. ADMIN. CODE § 290.39. The exception 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
- d. Within 195 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

Nos. 3.c.i through 3.c.iii. The certification shall be signed by the Respondents and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

2/22/2024

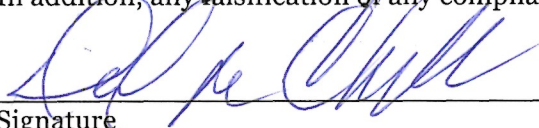
Date

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

11-15-23

Date

David Michael Chandler
Name (Printed or typed)
Authorized Representative of
Heritage Acres, LLC dba EJ Water

Owner

Title

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



Signature

11-15-23

Date

David Michael Chandler
Name (Printed or typed)
Authorized Representative of
David Michael Chandler dba EJ Water

Owner

Title

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

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