

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62733  
Brighton King Limited Liability Company and KEV King Limited Liability Company  
RN111522579  
Docket No. 2022-0967-PWS-E

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**Order Type:**  
Agreed Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location Where Violations Occurred:**  
15222 King Road near Frisco, Denton County

**Type of Operation:**  
public water supply

**Other Significant Matters:**  
Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** December 15, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$7,503

**Total Paid to General Revenue:** \$328

**Total Due to General Revenue:** \$7,175

Payment Plan: 35 payments of \$205 each

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

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

**Investigation Information**

**Complaint Date:** N/A

**Date of Investigation:** May 23, 2022

**Date of NOV:** N/A

**Date of NOE:** July 28, 2022

**Violation Information**

1. Failed to issue a boil water notice (“BWN”) to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(c) [30 TEX. ADMIN. CODE § 290.46(q)(1)].
2. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3)].
3. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher groundwater license [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].
4. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].

**Corrective Actions/Technical Requirements**

**Corrective Action Completed:**

Respondents issued a BWN by June 10, 2022.

**Technical Requirements:**

1. Within 30 days:
  - a. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; and
  - b. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license.
2. Within 90 days keep on file copies of well completion data.
3. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirements Nos. 1.a. and 1 b.
  - b. Within 105 days for Technical Requirement No. 2.

**Litigation Information**

<b>Date Petition Filed:</b>	April 19, 2023
<b>Date of Service:</b>	April 24, 2023
<b>Date Answer Filed:</b>	May 4, 2023
<b>Settlement Date:</b>	October 19, 2023

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62733  
**Brighton King Limited Liability Company and KEV King Limited Liability Company**  
RN111522579  
Docket No. 2022-0967-PWS-E

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**Contact Information**

**TCEQ Attorneys:** Marilyn Norrod, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Claudia Bartley, Enforcement Division, (512) 239-1116

**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Kamran Mehdizadeh, Manager, KEV King Limited Liability Company, 27772  
Avenue Scott, Valencia, California 91355; Alan T. Levy, Director, Brighton King  
Limited Liability Company, 23586 Calabasas Road, Suite 105 Calabasas,  
California 91302

**Respondent's Attorney:** Robert Miklos, Attorney at Law, Ferguson, Braswell, Fraser, Kubasta PC, 2500  
Dallas Parkway, Suite 600, Plano, Texas 75093

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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	1-Aug-2022	<b>Screening</b>	9-Aug-2022	<b>EPA Due</b>	
	<b>PCW</b>	10-Aug-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY		
<b>Reg. Ent. Ref. No.</b>	RN111522579		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62733	<b>No. of Violations</b>	4
<b>Docket No.</b>	2022-0967-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	America Ruiz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for Compliance History.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$187
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,020  
Estimated Cost of Compliance: \$3,314  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,563
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	34.9%	<b>Adjustment</b>	\$1,940
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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 No. 3.

<b>Final Penalty Amount</b>	\$7,503
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,503
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,503
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Screening Date 9-Aug-2022

Docket No. 2022-0967-PWS-E

PCW

Respondent BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING

Case ID No. 62733

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111522579

Media Public Water Supply

Enf. Coordinator America Ruiz

## Compliance History Worksheet

## &gt;&gt; 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%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No adjustment for Compliance History.

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

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	9-Aug-2022	<b>Docket No.</b>	2022-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED			
<b>Case ID No.</b>	62733	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN111522579	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	America Ruiz			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(q)(1)			
<b>Violation Description</b>	Failed to issue a boil water notice ("BWN") to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(c). Specifically, a BWN was not issued within 24 hours of the 0.00 milligram per liter disinfectant residual on May 23, 2022.			
<b>Base Penalty</b>				\$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">15.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">0.0%</span>
Matrix Notes	Failure to issue a BWN may not allow affected customers to take appropriate measures in response to low disinfectant residuals, which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.				
<b>Adjustment</b>					\$4,250

\$750

**Violation Events**

Number of Violation Events	1		1	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
One single event is recommended.				
<b>Violation Base Penalty</b> <span style="border: 1px solid black; text-align: right; padding-right: 10px;">\$750</span>				

**Good Faith Efforts to Comply**

	<b>25.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on June 10, 2022.		
<b>Violation Subtotal</b>			\$563

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
<b>Violation Final Penalty Total</b>	\$759
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$759	

# Economic Benefit Worksheet

**Respondent** BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY  
**Case ID No.** 62733  
**Reg. Ent. Reference No.** RN111522579  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	9-Jun-2022	10-Jun-2022	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide a BWN (\$100 per notice), calculated from the date BWN was required 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** \$0

<b>Screening Date</b>	9-Aug-2022	<b>Docket No.</b>	2022-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY			
<b>Case ID No.</b>	62733	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN111522579	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	America Ruiz			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(b)(1) and (e)(3)			
<b>Violation Description</b>	Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection.			
<b>Base Penalty</b>				\$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

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

Matrix Notes: Without disinfection facilities to ensure microbiological control and proper disinfection of the water, persons served by the Facility could be exposed to contaminants that would exceed levels that are protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	3	78	Number of violation days
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	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, May 23, 2022, to the date of screening, August 9, 2022.

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x			

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

**Violation Subtotal** \$2,250

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

<b>Estimated EB Amount</b>	\$65	<b>Violation Final Penalty Total</b>	\$3,035
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**This violation Final Assessed Penalty (adjusted for limits)** \$3,035

# Economic Benefit Worksheet

**Respondent** BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY  
**Case ID No.** 62733  
**Reg. Ent. Reference No.** RN111522579  
**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)	\$1,000	23-May-2022	28-Apr-2023	0.93	\$3	\$62	\$65
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 disinfection facilities for microbiological control and distribution protection, 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

\$1,000

**TOTAL**

\$65

<b>Screening Date</b>	9-Aug-2022	<b>Docket No.</b>	2022-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED			
<b>Case ID No.</b>	62733	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN111522579	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	America Ruiz			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)			
<b>Violation Description</b>	Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher groundwater license.			
<b>Base Penalty</b>				\$5,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>

Matrix Notes	Failure to operate the Facility under direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to contaminants which would exceed levels that are protective of human health.
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**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	3		78	Number of violation days
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	daily			<b>Violation Base Penalty</b>	\$2,250
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				

Three monthly events are recommended, calculated from the date of the investigation, May 23, 2022, to the date of screening, August 9, 2022.

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			

Notes	The Respondents do not meet the good faith criteria for this violation.
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**Violation Subtotal** \$2,250

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

<b>Estimated EB Amount</b>	\$1,945	<b>Statutory Limit Test</b>	\$3,035
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**This violation Final Assessed Penalty (adjusted for limits)** \$3,035

# Economic Benefit Worksheet

**Respondent** BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY  
**Case ID No.** 62733  
**Reg. Ent. Reference No.** RN111522579  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	23-May-2022	28-Apr-2023	0.93	\$5	n/a	\$5

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to ensure that a water works operator who holds a minimum of a Class "D" or higher license is operating the system, 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	\$9,048	23-May-2022	9-Aug-2022	0.21	\$6	\$1,934	\$1,940
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

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

Approx. Cost of Compliance \$2,034

**TOTAL** \$1,945



<b>Screening Date</b>	9-Aug-2022	<b>Docket No.</b>	2022-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY			
<b>Case ID No.</b>	62733	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Reg. Ent. Reference No.</b>	RN111522579	<i>PCW Revision February 11, 2021</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	America Ruiz			
<b>Violation Number</b>	<input type="text" value="4"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(n)(3)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, only the well driller's log was available for review."/>			
<b>Base Penalty</b>				<input type="text" value="\$5,000"/>

  

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

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

  

**>> Programmatic Matrix**

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

  

Matrix Notes	More than 70% of the rule requirements were not met.
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<b>Adjustment</b>	<input type="text" value="\$4,500"/>
<input type="text" value="\$500"/>	

  

**Violation Events**

Number of Violation Events	<input type="text" value="1"/>		<input type="text" value="78"/>	Number of violation days
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	daily	<input type="text"/>		<b>Violation Base Penalty</b>	<input type="text" value="\$500"/>
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			

  

One single event is recommended.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	<input type="text" value="\$0"/>
	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	x	<input type="text"/>		
Notes	The Respondents do not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				<input type="text" value="\$500"/>

  

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

<b>Estimated EB Amount</b>	<input type="text" value="\$10"/>
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	<input type="text" value="\$674"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
<input type="text" value="\$674"/>	

# Economic Benefit Worksheet

**Respondent** BRIGHTON KING LIMITED LIABILITY COMPANY and KEV KING LIMITED LIABILITY COMPANY  
**Case ID No.** 62733  
**Reg. Ent. Reference No.** RN111522579  
**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	\$180	23-May-2022	27-Jun-2023	1.10	\$10	n/a	\$10
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 keep on file well completion data at the Facility, 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 \$180

**TOTAL** \$10

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN606031169, RN111522579, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN606031169, Brighton King Limited Liability Company	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN111522579, KING ROAD PROPERTY	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	15222 KING ROAD NEAR FRISCO, DENTON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0610280		
<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b> 2021	<b>Rating Date:</b> 09/01/2021
<b>Date Compliance History Report Prepared:</b>	August 09, 2022		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	August 09, 2017 to August 09, 2022		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	America Ruiz		<b>Phone:</b> (512) 239-2601

## Site and Owner/Operator History:

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

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

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

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

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

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

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

N/A

**F. Environmental audits:**  
N/A

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

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN606031177, RN111522579, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN606031177, Kev King Limited Liability Company  
**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN111522579, KING ROAD PROPERTY  
**Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 15222 KING ROAD NEAR FRISCO, DENTON COUNTY, TEXAS

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

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
 0610280

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

**Date Compliance History Report Prepared:** August 09, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 09, 2017 to August 09, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** America Ruiz **Phone:** (512) 239-2601

## Site and Owner/Operator History:

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

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

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

**B. Criminal convictions:**  
 N/A

**C. Chronic excessive emissions events:**  
 N/A

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

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

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

N/A

**F. Environmental audits:**  
 N/A

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

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
BRIGHTON KING LIMITED LIABILITY  
COMPANY AND KEV KING LIMITED  
LIABILITY COMPANY;  
RN111522579

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2022-0967-PWS-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Brighton King Limited Liability Company and KEV King Limited Liability Company ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by the law firm of Ferguson, Braswell, Fraser, Kubasta PC, together stipulate that:

1. Respondents own and operate a public water supply located at 15222 King Road near Frisco, Denton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 30 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of seven thousand five hundred three dollars (\$7,503.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents paid three hundred twenty-eight dollars (\$328.00) of the penalty. The remaining amount of seven thousand one hundred seventy-five dollars (\$7,175.00) shall be paid in thirty-five (35) monthly payments of two hundred five dollars (\$205.00) 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 Respondents fail to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.
5. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, 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 Respondents have not complied with one or more of the terms or conditions contained 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 full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondents issued a boil water notice ("BWN") by June 10, 2022.

## **II. ALLEGATIONS**

1. During an investigation conducted on May 23, 2022, an investigator documented that Respondents:
  - a. Failed to issue a BWN to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(c), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1). Specifically, a BWN was not issued within 24 hours of the 0.00 milligram per liter disinfectant residual on May 23, 2022.
  - b. Failed to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1) and (e)(3).
  - c. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher groundwater license, in violation of 30 TEX. HEALTH & SAFETY CODE § 341.033(a) and TEX. ADMIN. CODE § 290.46(e)(4)(A).
  - d. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3). Specifically, only the well driller's log was available for review.

## **III. DENIALS**

Respondents generally deny each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

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

1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions 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: Brighton King Limited Liability Company and KEV King Limited Liability Company, Docket No. 2022-0967-PWS-E" to:

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



2. Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
    - ii. Begin operating the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher groundwater license, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.
  - c. Within 90 days after the effective date of this Order, keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - d. Within 105 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. 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

and:

Section Manager, Public Drinking Water  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. 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.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until 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.

6. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chanallop

1/22/24

For the Executive Director

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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Alan T. Levy

10/22/23

Signature - Alan T. Levy, Director  
Brighton King Limited Liability Company  
23586 Calabasas Road, Suite 105  
Calabasas, California 91302

Date

Signature - Kamran Mehdizadeh, Manager  
KEV King Limited Liability Company  
27772 Avenue Scott  
Valencia, California 91355

Date

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

\_\_\_\_\_

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

1/22/24

Date

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- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Signature - Alan T. Levy, Director  
Brighton King Limited Liability Company  
23586 Calabasas Road, Suite 105  
Calabasas, California 91302

Date



Signature - Kamran Mehdizadeh, Manager  
KEV King Limited Liability Company  
27772 Avenue Scott  
Valencia, California 91355

Date

10/19/2023

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

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