EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1899-PWS-E **TCEQ ID:** RN105061436 **CASE NO.:** 31570

RESPONDENT NAME: Steve Torno dba Rodell Water Supply

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Rodell Water Supply, south of the intersection between Highway 79 and Private Road 3100, Leon County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: __X__ Yes ____ No

OTHER SIGNIFICANT MATTERS: A complaint was received on August 29, 2006, alleging that an unapproved drinking water system is being operated at Horseshoe RV Park. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 30, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Anita Keese, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6034; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Steve Torno, Owner/Authorized Representative, Rodell Water Supply, P.O. Box 809, Centerville, Texas 75833

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: _X_ Complaint __ Routine __ Enforcement Follow-up __ Records Review **Date of Complaints Relating to this Case:** August 29, 2006 **Date of Investigation Relating to this Case:** September 6, 2006 **Date of NOE Relating to this Case:** October 10, 2006 (NOE) **Background Facts:** This was a complaint investigation. Three violations were documented. **WATER** 1) Failed to provide written notification to the Commission of the startup of a new public water supply system or reactivation of an existing public water supply system [30 TEX. ADMIN. CODE § 290.39(m)]. 2) Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)]. 3) Failed to employ an operator who holds a Class "D" or higher license for systems that only purchase treated water and serves no more than 250 connections [30 TEX. ADMIN. CODE § 290.46(e)(3)(A)].	**Total Assessed:** $1,100 **Total Deferred:** $220 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $880 **Site Compliance History Classification** __ **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** __ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator; and ii. Install disinfection equipment necessary to maintain a minimum disinfection residual of 0.2 milligrams per Liter ("mg/L") free chlorine throughout the distribution system at all times. b. Within 60 days after the effective date of this Agreed Order: i. Submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.; and ii. Submit Facility as-built plans, specifications, and engineering reports, including notification of Facility start-up to the Commission. c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision b.ii.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 15, 2006*

TCEQ

DATES					
Assigned	16-Oct-2006				
PCW	20-Dec-2006	Screening	19-Oct-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Steve Torno dba Rodell Water Supply		
Reg. Ent. Ref. No.	RN105061436		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31570	No. of Violations	3
Docket No.	2006-1899-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $1,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 0% Enhancement — *Subtotals 2, 3, & 7* $0

Notes: No enhancement due to compliance history.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$7,973
Approx. Cost of Compliance	$16,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $1,100

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $1,100

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $1,100

DEFERRAL — 20% Reduction — *Adjustment* -$220

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $880

Screening Date	19-Oct-2006	**Docket No.** 2006-1899-PWS-E	**PCW**
Respondent	Steve Torno dba Rodell Water Supply		*Policy Revision 2 (September 2002)*
Case ID No.	31570		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN105061436		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No enhancement due to compliance history.

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

Screening Date	19-Oct-2006	**Docket No.** 2006-1899-PWS-E	**PCW**
Respondent	Steve Torno dba Rodell Water Supply		*Policy Revision 2 (September 2002)*
Case ID No.	31570		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN105061436		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(m)

Violation Description Failed to provide written notification to the commission of the startup of a new public water supply system or reactivation of an existing public water supply system. Specifically, the investigator documented that the respondent owns a public water supply system that is providing water to a total of 35 connections and has not been registered with the Commission.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment $900

$100

Violation Events

Number of Violation Events 1

43 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $37

Statutory Limit Test

Violation Final Penalty Total $100

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

Economic Benefit Worksheet

Respondent Steve Torno dba Rodell Water Supply
Case ID No. 31570
Reg. Ent. Reference No. RN105061436
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	6-Sep-2006	31-May-2007	0.7	$37	n/a	$37
Notes for DELAYED costs	Estimated cost to provide notice and receive approval from the executive director for the startup of a new public water supply. The date required is the date of the investigation and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $37

Screening Date	19-Oct-2006	**Docket No.** 2006-1899-PWS-E	**PCW**
Respondent	Steve Torno dba Rodell Water Supply		*Policy Revision 2 (September 2002)*
Case ID No.	31570		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN105061436		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)

Violation Description Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to sufficiently disinfect the water could allow the customers to be exposed to significant amounts of pollutants which would exceed levels that are protective of human health as a result of the violation.

Adjustment $750

$250

Violation Events

Number of Violation Events 2

43 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended from the investigation on September 6, 2006 to the October 19, 2006 date of case screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $256

Statutory Limit Test

Violation Final Penalty Total $500

This violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Steve Torno dba Rodell Water Supply
Case ID No. 31570
Reg. Ent. Reference No. RN105061436
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$5,000	6-Sep-2006	31-May-2007	0.7	$12	$244	$256
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to purchase, install and operate the disinfection supplies and equipment. The date required is the date of the investigation and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $5,000

TOTAL: $256

Screening Date	19-Oct-2006	**Docket No.** 2006-1899-PWS-E	**PCW**
Respondent	Steve Torno dba Rodell Water Supply		*Policy Revision 2 (September 2002)*
Case ID No.	31570		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN105061436		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(3)(A)

Violation Description Failed to employ an operator who holds a Class "D" or higher license for systems that only purchase treated water and serves no more than 250 connections.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to employ a licensed operator with at least a "D" certification could allow the customers to be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $750

$250

Violation Events

Number of Violation Events 2 | 43 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended from the investigation on September 6, 2006 to the October 19, 2006 date of case screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $7,681

Statutory Limit Test

Violation Final Penalty Total $500

This violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent Steve Torno dba Rodell Water Supply
Case ID No. 31570
Reg. Ent. Reference No. RN105061436
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel	$10,000	6-Sep-2006	31-May-2007	0.7	$366	$7,315	$7,681
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to employ a class "D" operator. The date required is the date of the investigation and the final date is the estimated date of compliance.						

Approx. Cost of Compliance $10,000

TOTAL $7,681

Compliance History

Customer/Respondent/Owner-Operator:	CN601443518	TORNO, STEVE	Classification:	Rating:
Regulated Entity:	RN105061436	RODELL WATER SUPPLY	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1450032
Location:	RV PARK ON HWY 79 AND PRIVATE ROAD 3100, LEON COUNTY		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	November 15, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 15, 2001 to November 15, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Anita Keese Phone: (956) 430-6034

Site Compliance History Components

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 of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

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.)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
STEVE TORNO DBA RODELL	§	
WATER SUPPLY	§	**ENVIRONMENTAL QUALITY**
RN105061436	§	

AGREED ORDER
DOCKET NO. 2006-1899-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Steve Torno dba Rodell Water Supply ("Mr. Torno") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Torno appear before the Commission and together stipulate that:

1. Mr. Torno owns and operates a public water supply serving an RV park and a subdivision south of the intersection between Highway 79 and Private Road 3100 in Leon County, Texas (the "Facility") that has approximately 35 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and Mr. Torno agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Torno is subject to the Commission's jurisdiction.

3. Mr. Torno received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Torno of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of One Thousand One Hundred Dollars ($1,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Torno has paid Eight Hundred Eighty Dollars ($880) of the administrative penalty and Two

Hundred Twenty Dollars ($220) is deferred contingent upon Mr. Torno's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Torno fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Torno to pay all or part of the deferred penalty.

6. 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.

7. The Executive Director of the TCEQ and Mr. Torno have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. 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 Mr. Torno has not complied with one or more of the terms or conditions in this Agreed Order.

9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Torno is alleged to have:

1. Failed to provide written notification to the Commission of the startup of a new public water supply system or reactivation of an existing public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(m), as documented during an investigation conducted on September 6, 2006.

2. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3), as documented during an investigation conducted on September 6, 2006.

3. Failed to employ an operator who holds a Class "D" or higher license for systems that only purchase treated water and serves no more than 250 connections, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(3)(A), as documented during an investigation conducted on September 6, 2006.

III. DENIALS

Mr. Torno generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Torno pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Torno's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Steve Torno dba Rodell Water Supply, Docket No. 2006-1899-PWS-E" to:

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

2. It is further ordered that Mr. Torno shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order,

      i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46; and

      ii. Install disinfection equipment necessary to maintain a minimum disinfection residual of 0.2 milligrams per Liter ("mg/L") free chlorine throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.46.

   b. Within 60 days after the effective date of this Agreed Order,

      i. Submit written certification as described in Ordering Provision 2.c. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.; and

      ii. Submit Facility as-built plans, specifications, and engineering reports, including notification of Facility start-up to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.39. The start-up notification, plans, and reports shall be submitted to:

      Technical Review and Oversight Team
      Water Supply Division, MC 155
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including

photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Public Water Supply Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Torno. Mr. Torno is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Torno shall be made in writing to the Executive Director. Extensions are not effective until Mr. Torno receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Torno in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Torno, or three days after the date on which the Commission mails notice of the Order to Mr. Torno, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

6/27/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

5-25-07
Date

STEVEN TORNO
Name (Printed or typed)
Authorized Representative of
Steve Torno dba Rodell Water Supply

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.