

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-0521-PWS-E TCEQ ID: RN101197101 CASE NO.: 24987
RESPONDENT NAME: RAMMING LAND, LLC

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Farm-to-Market Road 1518 at Schaefer Road and Hillbrook Road, Cibolo, Bexar County</p> <p>TYPE OF OPERATION: Public water supply system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 9, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Craig Fleming, Enforcement Division, Section II, MC 219, (512) 239-5806 TCEQ Regional Contact: Mr. Tom Haberle, San Antonio Regional Office, MC R-13, (210) 490-3096 Respondent: Mr. John D. Ramming, CEO and Owner, Ramming Land, LLC, 16409 Bratton Ln., Austin, Texas 78728 Respondent's Attorney: Mr. Mark Dietz, Attorney, Dietz & Jarrard, P.C., 106 Fannin Avenue East, Round Rock, Texas 78664</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case:</p> <p>Dates of Investigation Relating to this Case: January 1, 2005</p> <p>Date of NOE/NOVs Relating to this Case: January 21, 2005 (NOE); August 19, 2003, December 3, 2003, January 13, 2004, January 28, 2004, February 27, 2004, March 2, 2004, March 30, 2004, May 5, 2004, May 26, 2004, July 2, 2004, July 29, 2004, August 27, 2004, October 1, 2004, November 1, 2004, November 30, 2004, December 28, 2004, and January 28, 2005 (NOVs)</p> <p>Background Facts:</p> <p>The EDPRP was filed on November 23, 2005. Settlement was achieved and a signed Agreed Order was received on April 11, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PWS:</p> <p>1. Failed to collect routine bacteriological samples at a frequency, based on the population served by the Facility, of at least one time per month, for the months of September 2003 through December 2004 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)].</p> <p>2. Failed to notify persons served by the Facility of the failure to comply with applicable testing procedures through its failure to collect bacteriological samples in the months of September 2003 through December 2004 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].</p>	<p>Total Assessed: \$7,280</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,280</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>The Respondent has received 16 NOVs for the same violations over the prior five-year period.</p>	<p>Corrective Action Taken:</p> <p>The Executive Director recognizes that the Facility is now operated by a certified operator and no longer qualifies as a public water system because the Facility currently has less than 15 service connections and no longer serves at least 25 individuals at least 60 days out of the year.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision March 02, 2005

DATES	Assigned	07-Mar-2005				
	PCW	13-Jun-2006	Screening	17-Mar-2005	Priority Due	06-May-2005
			EPA Due	28-Sep-2005		

RESPONDENT/FACILITY INFORMATION	
Respondent	Ramming Land, LLC
Reg. Ent. Ref. No.	RN101197101
Additional ID No(s).	Public Water Supply No. 0150393
Facility/Site Region	13-San Antonio <input type="text"/>
Major/Minor Source	Minor Source <input type="text"/>

CASE INFORMATION			
Enf./Case ID No.	24987	No. of Violations	1
Docket No.	2005-0521-PWS-E	Order Type	Findings <input type="text"/>
Case Priority	2 (SNC/HPV) <input type="text"/>	Enf. Coordinator	J. Craig Fleming
Media Program(s)	Public Water Supply <input type="text"/>	EC's Team	Enforcement Team 3 <input type="text"/>
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	82% Enhancement Subtotals 2, 3, & 7 \$3,280
Notes	The administrative penalty is enhanced because the respondent had 16 NOV's for same or similar violations and 1 NOV for non-similar violations for this facility.
Culpability	No <input type="text"/> 0% Enhancement Subtotal 4 \$0
Notes	The respondent does not meet the culpability criteria.
Good Faith Effort to Comply	0% Reduction Subtotal 5 \$0
Notes	Respondent does not meet the Good Faith criteria.
Economic Benefit	0% Enhancement* Subtotal 6 \$0
Notes	

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

Total EB Amounts	\$3,570				
Approx. Cost of Compliance	\$3,400	*Capped at the Total EB \$ Amount			

SUM OF SUBTOTALS 1-7	Final Subtotal \$7,280
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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 \$7,280	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$7,280
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DEFERRAL	Adjustment \$0
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	
Notes	No deferral offered with a Findings Order.

PAYABLE PENALTY	\$7,280
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Screening Date	17-Mar-2005	Docket No.	2005-0521-PWS-E	PCW
Respondent	Ramming Land, LLC			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	24987			<i>PCW Revision March 02, 2005</i>
Reg. Ent. Reference No.	RN101197101			
Additional ID No(s)	Public Water Supply No. 0150393			
Media [Statute]	Public Water Supply			
Enf. Coordinator	J. Craig Fleming			
Site Address	Off Farm-to-Market Road 1518 at Schaefer and Hillbrook Roads, Cibolo, Bexar County, Texas			

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 (<i>number of NOVs meeting criteria</i>)	16	80%
	Other written NOVs	1	2%
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 judgements 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</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	<i>Please Enter Yes or No</i>		
	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) 82%

>> Repeat Violator (Subtotal 3)

N/A	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

N/A	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes The administrative penalty is enhanced because the respondent had 16 NOVs for same or similar violations and 1 NOV for non-similar violations for this facility.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 82%

Screening Date	17-Mar-2005	Docket No.	2005-0521-PWS-E	PCW
Respondent	Ramming Land, LLC	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	24987	<i>PCW Revision March 02, 2005</i>		
Reg. Ent. Reference No.	RN101197101			
Additional ID No(s)	Public Water Supply No. 0150393			
Media [Statute]	Public Water Supply			
Enf. Coordinator	J. Craig Fleming			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(A) and 290.122(c)(2)(A)			
Secondary Rule Cite(s)				
Violation Description	Failed to collect routine bacteriological samples at a frequency based on the population served by the system, and failure by the owner or operator of a public water system to notify persons served by the system by publishing the notice in a daily newspaper of general circulation in the area served by the system. Specifically, the respondent neither took public water samples, nor posted public notice, from September 2003 through December 2004.			
Base Penalty				\$1,000

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

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential	X			25%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failure to collect the proper number of bacteriological samples will or could have exposed the public to pollutants which would have exceeded levels that are protective of human health.

Adjustment - \$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events: 16

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Sixteen monthly events are recommended for September 2003 through December 2004.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$3,570	Violation Final Penalty Total: \$7,280
This violation Final Assessed Penalty (adjusted for limits): \$7,280	

Economic Benefit Worksheet

Respondent: Ramming Land, LLC
 Case ID No. 24987
 Reg. Ent. Reference No. RN101197101
 Additional ID No(s): Public Water Supply No. 0150393
 Media [Statute]: 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	Onetime Costs	EB Amount
No commas or \$							

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	NA						

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	\$2,400	01-Jan-2004	31-Dec-2004	1.0	\$120	\$2,400	\$2,520
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
Other (as needed)	\$1,000	01-Jan-2004	31-Dec-2004	1.0	\$50	\$1,000	\$1,050
Notes for AVOIDED costs	Estimated cost for collecting, analyzing, and posting notices for bacteriological samples. The Date Required was the earliest date that the samples were not collected. The Final Date is the last month samples should have been taken before this case was referred to the Enforcement Division.						

Approx. Cost of Compliance \$3,400

TOTAL \$3,570

Compliance History

Customer/Respondent/Owner-Operator: CN603041773 Ramming Land, LLC Classification: Rating:
Regulated Entity: RN101197101 HILLBROOK HOMEOWNERS Classification: Site Rating:
ID Number(s):
Location: 10427 HILLBROOK RD, CIBOLO, TX, 78108
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: June 02, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 15, 2000 to March 15, 2005
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Craig Fleming Phone: (512) 239-5806

Site Compliance History Components

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 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.)

- 1 02/27/2004 (349820)
- 2 05/05/2004 (350051)
- 3 07/29/2004 (350063)
- 4 07/02/2004 (350061)
- 5 01/13/2004 (349812)
- 6 03/02/2004 (348390)
- 7 03/30/2004 (349955)
- 8 11/30/2004 (350100)
- 9 11/01/2004 (350094)
- 10 05/26/2004 (350057)
- 11 12/03/2003 (349610)
- 12 01/28/2004 (349814)
- 13 03/03/2005 (372388)
- 14 12/28/2004 (350107)
- 15 10/01/2004 (350091)
- 16 08/27/2004 (350068)
- 17 08/18/2003 (146548)
- 18 01/28/2005 (350113)

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

Date: 11/30/2004 (350100)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 10/2004.
Date: 10/01/2004 (350091) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 08/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 08/2004.
Date: 07/29/2004 (350063) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 06/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 06/2004.
Date: 12/28/2004 (350107) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 11/2004.
Date: 08/27/2004 (350068) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 07/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 07/2004.
Date: 01/13/2004 (349812) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 11/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 11/2003
Date: 12/03/2003 (349610) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 10/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 10/2003.
Date: 05/26/2004 (350057) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 04/2004.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 04/2004.
Date: 02/27/2004 (349820) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 01/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 01/2004.

Date: 05/05/2004 (350051)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 03/2004.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 03/2004.

Date: 01/28/2005 (350113)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 12/2004.

Date: 11/01/2004 (350094)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 09/2004.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 09/2004.

Date: 03/02/2004 (348390)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE FOR 09/2003.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING ROUTINE MONITORING SAMPLE FOR 09/2003.

Date: 08/19/2003 (146548)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)(ii)
 Description: Failure to possess a chlorine test kit which uses the DPD method to determine the free chlorine residual at various locations to ensure the proper chlorine residual is being maintained throughout the distribution system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 Description: Failure to provide the well with a screened casing vent, which must face downward and be elevated so as to minimize the drawing of contaminants into the well.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to perform, at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.

Date: 03/30/2004 (349955)
 Self Report? NO Classification: Moderate
 Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 02/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING
 SAMPLE IN 02/2004.
 Date: 01/28/2004 (349814)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 12/2003.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING
 SAMPLE IN 12/2003.
 Date: 07/02/2004 (350061)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 05/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING
 SAMPLE IN 05/2004.

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
RAMMING LAND, LLC;
RN101197101

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0521-PWS -E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ramming Land, LLC ("Ramming Land") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Ramming Land, represented by the law firm of Dietz & Jarrard, P.C., presented this agreement to the Commission.

Ramming Land understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Ramming Land agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Ramming Land.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Ramming Land owns a public water supply system located in the Hillbrook subdivision off of Farm-to-Market Road 1518 at Schaefer Road and Hillbrook Road in Cibolo, Bexar County, Texas (the "Facility").

2. On the dates of the alleged violations, the Facility had 18 service connections and served at least 25 people per day for at least 60 days per year.
3. During a record review conducted on January 1, 2005, a TCEQ Central Office investigator documented that Ramming Land:
 - a. Failed to collect routine bacteriological samples at a frequency, based on the population served by the Facility, of at least one time per month, for the months of September 2003 through December 2004; and
 - b. Failed to notify persons served by the Facility of the failure to comply with applicable testing procedures through its failure to collect bacteriological samples in the months of September 2003 through December 2004.
4. Ramming Land received notice of the violations alleged in Section II ("Allegations") on or about January 26, 2005.
5. The Executive Director recognizes that the Facility is now operated by a certified operator, and no longer qualifies as a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(47) because the Facility currently has less than 15 service connections and no longer serves at least 25 individuals at least 60 days out of the year.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ramming Land is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Ramming Land failed to collect routine bacteriological samples at a frequency, based on the population served by the Facility, of at least one time per month, for the months of September 2003 through December 2004, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A).
3. As evidenced by Finding of Fact No. 3.b., Ramming Land failed to notify persons served by the Facility of the failure to comply with applicable testing procedures through its failure to collect bacteriological samples in the months of September 2003 through December 2004, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ramming Land for violations of the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of seven thousand two hundred eighty dollars (\$7,280.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Ramming Land has paid seven thousand two hundred eighty dollars (\$7,280.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Ramming Land is assessed an administrative penalty in the amount of seven thousand two hundred eighty dollars (\$7,280.00), as set forth in Conclusion of Law No. 5, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Ramming Land's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Ramming Land, LLC; Docket No. 2005-0521-PWS-E; Enforcement ID No.24987" 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. This Agreed Order, issued by the Commission, shall not be admissible against Ramming Land 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.
3. 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.
4. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Ramming Land, or three days after the date on which the Commission mails notice of the Order to Ramming Land,

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

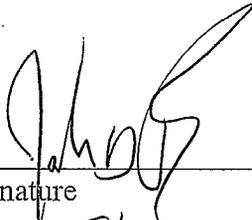


For the Executive Director

6/20/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity 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.



Signature

4/11/07

Date

John D. Ramming

Name (Printed or typed)

CEO/OWNER

Title