

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1560-PWS-E TCEQ ID:RN101453561 CASE NO.: 36500**  
**RESPONDENT NAME: JOHN KIOUSIS DBA TECH CAFÉ**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

**SITE WHERE VIOLATION(S) OCCURRED:** 11710 University Avenue, Lubbock, Lubbock County

**TYPE OF OPERATION:** restaurant with a public water supply

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired October 26, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Tommy Tucker Henson II, Litigation Division, MC 175, (512) 239-0946  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717  
**TCEQ Regional Contact:** Mr. Patrick Cooke, Lubbock Regional Office, MC R-2, (806) 796-7092  
**Respondent:** Mr. John Kiousis, Tech Café, 1524 50th Street, Lubbock, Texas 79412  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 24, 2008</p> <p><b>Date of NOE Relating to this Case:</b> August 12, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed April 27, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on August 18, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent no longer owns or operates the Facility.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>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)].</li> <li>Failed to provide the well with a suitable sampling cock on the discharge pipe [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</li> <li>Failed to install facility electrical wiring in compliance with a local or national code [30 TEX. ADMIN. CODE § 290.46(v)].</li> <li>Failed to keep on file and make available for Commission review records of all waterworks operations and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)].</li> <li>Failed to provide minimum tank pressure capacity of 220 gallons [30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</li> <li>Failed to monitor the free chlorine residual within the distribution system using a method that employs a diethyl-p-phenylendiamine colorimeter [30 TEX. ADMIN. CODE §§ 290.46(s) and 290.110(d)(1)(C)].</li> </ol>	<p><b>Total Assessed:</b> \$3,484</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$3,484</p> <p>The Respondent paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent no longer owns or operates the Facility.</p>

**VIOLATION SUMMARY CHART:**

<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>7. Failed to provide an operable flow measuring device on the well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>8. Failed to provide an enclosed, locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers [30 TEX. ADMIN. CODE § 290.42(c)(3)(O)].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	18-Aug-2008	<b>Screening</b>	8-Sep-2008	<b>EPA Due</b>	
	<b>PCW</b>	13-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	John Kiouisis dba Tech Cafe		
<b>Reg. Ent. Ref. No.</b>	RN101453561		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36500	<b>No. of Violations</b>	8
<b>Docket No.</b>	2008-1560-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>	Tel Croston
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
 Approx. Cost of Compliance

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date: 8-Sep-2008

Docket No. 2008-1560-PWS-E

PCW

Respondent: John Kiousis dba Tech Cafe

Policy Revision 2 (September 2002)

Case ID No. 36500

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101453561

Media [Statute]: Public Water Supply

Enf. Coordinator: Tel Croston

### 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	2	4%
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%
<i>Please Enter Yes or No</i>			
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Respondent was issued two dissimilar Notices of Violation (NOVs) in the past five years.

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

<b>Screening Date</b> 8-Sep-2008	<b>Docket No.</b> 2008-1560-PWS-E	<b>PCW</b>				
<b>Respondent</b> John Kiouis dba Tech Cafe	<i>Policy Revision 2 (September 2002)</i>					
<b>Case ID No.</b> 36500	<i>PCW Revision June 12, 2008</i>					
<b>Reg. Ent. Reference No.</b> RN101453561						
<b>Media [Statute]</b> Public Water Supply						
<b>Enf. Coordinator</b> Tel Croston						
<b>Violation Number</b> <input type="text" value="1"/>						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(3)					
<b>Violation Description</b>	Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, at the time of the investigation, it was documented that the hypochlorinator pump at the Facility was not connected to an electrical outlet and there was not a solution tank located at the Facility.					
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
		<b>Percent</b>	<input type="text" value="25%"/>			
<b>&gt;&gt; Programmatic Matrix</b>						
<b>Falsification</b>			Major	Moderate	Minor	
<input type="text"/>			<input type="text"/>	<input type="text"/>	<input type="text"/>	
		<b>Percent</b>	<input type="text" value="0%"/>			
<b>Matrix Notes</b>	Failure to provide mechanical equipment would not allow a means for microbiological control and proper disinfection of the water exposing the public to significant amounts of pollutants which would exceed levels that are protective of human health.					
		<b>Adjustment</b>	<input type="text" value="\$750"/>			
		<input type="text" value="\$250"/>				
<b>Violation Events</b>						
Number of Violation Events		<input type="text" value="3"/>	<input type="text" value="76"/>		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>				
	monthly	<input checked="" type="checkbox"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
		<b>Violation Base Penalty</b>				<input type="text" value="\$750"/>
Three monthly events are recommended from the date of the investigation June 24, 2008, to the date of screening, September 8, 2008.						
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		<input type="text" value="\$0"/>		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="text"/>					
Ordinary	<input type="text"/>					
N/A	<input checked="" type="checkbox"/>	(mark with x)				
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.					
		<b>Violation Subtotal</b>				<input type="text" value="\$750"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		<input type="text" value="\$71"/>	Violation Final Penalty Total		<input type="text" value="\$780"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$780"/>	

## Economic Benefit Worksheet

**Respondent:** John Kiouisis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**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	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment	\$1,000	24-Jun-2008	30-Jun-2009	1.02	\$3	\$68	\$71
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide continuous and efficient disinfection of the water, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$71

<b>Screening Date</b> 8-Sep-2008	<b>Docket No.</b> 2008-1560-PWS-E	<b>PCW</b>		
<b>Respondent</b> John Kiouisis dba Tech Cafe	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36500	<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101453561				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Tel Croston				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(M)			
<b>Violation Description</b>	Failed to provide the well with a suitable sampling cock on the discharge pipe. Specifically, at the time of the investigation, it was documented that the well did not have a water sample tap.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Potential</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
<b>Major</b>				
<b>Moderate</b>				
<b>Minor</b>				
<input type="text"/>			<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>	Failure to have a sampling tap on the well may allow contaminants from the raw water to go undetected resulting in exposure to significant amounts of contaminants that exceed levels protective of human health.			
<b>Adjustment</b>			<input type="text" value="\$750"/>	
			<input type="text" value="\$250"/>	
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="3"/>		<b>Number of violation days</b> <input type="text" value="76"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$750"/>	
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
Three monthly events are recommended from the date of the investigation, June 24, 2008, to the date of screening, September 8, 2008.				
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>	<input type="text" value="\$0"/>	
		<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>			<input type="text" value="\$750"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$6"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$780"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$780"/>	

## Economic Benefit Worksheet

**Respondent:** John Kiousis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**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	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$75	24-Jun-2008	31-Jul-2009	1.10	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a sampling tap on the well discharge pipe, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

**TOTAL**

\$6

<b>Screening Date:</b> 8-Sep-2008		<b>Docket No.:</b> 2008-1560-PWS-E		<b>PCW</b>
<b>Respondent:</b> John Kiouis dba Tech Cafe		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.:</b> 36500		<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.:</b> RN101453561				
<b>Media [Statute]:</b> Public Water Supply				
<b>Enf. Coordinator:</b> Tel Croston				
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(v)			
<b>Violation Description</b>	Failed to install facility electrical wiring in compliance with a local or national code. Specifically, at the time of the investigation, it was documented that wiring at the well was not installed in securely mounted conduit.			
<b>Base Penalty</b>				\$1,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	x	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
Falsification    Major    Moderate    Minor				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to install all Facility electrical wiring in compliance with local or national codes may cause equipment failure resulting in low pressure or outages, exposing customers to significant amounts of contaminants that would exceed levels protective of human health.			
<b>Adjustment</b>				\$750
				\$250
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="3"/>		
		<input type="text" value="76"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
<b>Violation Base Penalty</b>				\$750
Three monthly events are recommended from the date of the investigation, June 24, 2008, to the date of screening, September 8, 2008.				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	x	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$750
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<b>Violation Final Penalty Total</b>		
<input type="text" value="\$28"/>		<input type="text" value="\$780"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$780

## Economic Benefit Worksheet

**Respondent:** John Kiouis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**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	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$400	24-Jun-2008	30-Jun-2009	1.02	\$1	\$27	\$28
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 costs include the amount to install the electrical wiring in compliance with local or national code, so that it is no longer exposed, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$28

<b>Screening Date</b> 8-Sep-2008	<b>Docket No.</b> 2008-1560-PWS-E	<b>PCW</b>			
<b>Respondent</b> John Kiouisis dba Tech Cafe	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 36500	<i>PCW Revision June 12, 2008</i>				
<b>Reg. Ent. Reference No.</b> RN101453561					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Tel Croston					
<b>Violation Number</b> <input type="text" value="4"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)				
<b>Violation Description</b>	Failed to keep on file and make available for Commission review, records of all waterworks operations and maintenance activities. Specifically, at the time of the investigation, the only records available were the bacteriological monitoring reports.				
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	Failed to comply with more than 70% of the rule requirement.				
<b>Adjustment</b>				<input type="text" value="\$900"/>	
				<input type="text" value="\$100"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="76"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="text" value="x"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>		
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>				
Ordinary	<input type="text"/>				
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				<input type="text" value="\$100"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b> <input type="text" value="\$15"/>		<b>Violation Final Penalty Total</b>		<input type="text" value="\$104"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$104"/>	

### Economic Benefit Worksheet

**Respondent:** John Kiouisis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**Media:** Public Water Supply  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

**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	\$300	24-Jun-2008	30-Jun-2009	1.02	\$15	n/a	\$15
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 costs include the amount to compile and maintain monthly water work operation records, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$15

<b>Screening Date</b> 8-Sep-2008	<b>Docket No.</b> 2008-1560-PWS-E	<b>PCW</b>	
<b>Respondent</b> John Kiouisis dba Tech Cafe		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36500		<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101453561			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Tel Croston			
<b>Violation Number</b> 5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)		
<b>Violation Description</b>	Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, the pressure tank capacity was 65 gallons. The Facility is required to maintain a pressure tank capacity of 220 gallons, this is a 70% deficiency.		
	<b>Base Penalty</b>	\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failing to provide adequate pressure tank capacity, the Facility could experience water outages and back flow problems exposing customers to a significant amount of contaminants that exceed levels protective of human health.		
	<b>Adjustment</b>	\$750	
		<b>Subtotal</b>	\$250
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="3"/>	<b>Number of violation days</b>
		<input type="text" value="76"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	<b>Violation Base Penalty</b>
			\$750
	Three monthly events are recommended from the date of the investigation, June 24, 2008 to the date of screening September 8, 2008.		
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	\$750	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$124"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$780"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$780"/>

### Economic Benefit Worksheet

**Respondent:** John Kiousis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**Media:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	24-Jun-2008	30-Aug-2009	1.18	\$6	\$118	\$124
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

Estimated cost to provide 220 gallon pressure tank capacity, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$124

<b>Screening Date</b> 8-Sep-2008		<b>Docket No.</b> 2008-1560-PWS-E		<b>PCW</b>																			
<b>Respondent</b> John Kiouis dba Tech Cafe		<i>Policy Revision 2 (September 2002)</i>																					
<b>Case ID No.</b> 36500		<i>PCW Revision June 12, 2008</i>																					
<b>Reg. Ent. Reference No.</b> RN101453561																							
<b>Media [Statute]</b> Public Water Supply																							
<b>Enf. Coordinator</b> Tel Croston																							
<b>Violation Number</b>	6																						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.46(s) and 290.110(d)(1)(C)																						
<b>Violation Description</b>	Failed to monitor the free chlorine residual within the distribution system using a method that employs a diethyl-p-phenylendiamine (DPD) colorimeter.																						
<b>Base Penalty</b>				\$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																							
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2" style="text-align: right; vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;">x</td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>					Harm				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text"/>	Potential	<input type="text"/>	x	<input type="text"/>
		Harm																					
	<b>Release</b>	Major	Moderate	Minor																			
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text"/>																			
Potential	<input type="text"/>	x	<input type="text"/>																				
<b>&gt;&gt; Programmatic Matrix</b>																							
<b>Matrix Notes</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2" style="text-align: right; vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>					Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>					
		Major	Moderate	Minor																			
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text"/>																		
	<input type="text"/>	<input type="text"/>	<input type="text"/>																				
Failure to provide a chlorine test kit which uses the DPD method could result in improper test results concerning the system's chlorine residual, resulting in the delivery of a significant amount of improperly treated water to the public which would not exceed levels protective of human health.																							
<b>Adjustment</b>				\$900																			
				\$100																			
<b>Violation Events</b>																							
<b>Number of Violation Events</b>		<input style="width: 50px;" type="text" value="1"/>	<b>Number of violation days</b>																				
		<input style="width: 50px;" type="text" value="76"/>																					
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$100"/>																				
	monthly	<input type="text"/>																					
	quarterly	x																					
	semiannual	<input type="text"/>																					
	annual	<input type="text"/>																					
	single event	<input type="text"/>																					
One quarterly event is recommended from the date of the investigation, June 24, 2008 to the date of screening, September 8, 2008.																							
<b>Good Faith Efforts to Comply</b>		<input style="width: 50px;" type="text" value="0.0%"/>	<b>Reduction</b> <input style="width: 100px;" type="text" value="\$0"/>																				
		Before NOV	NOV to EDRP/Settlement Offer																				
Extraordinary	<input type="text"/>																						
Ordinary	<input type="text"/>																						
N/A	x	(mark with x)																					
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																						
<b>Violation Subtotal</b>				\$100																			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																					
<b>Estimated EB Amount</b>		<input style="width: 50px;" type="text" value="\$23"/>	<b>Violation Final Penalty Total</b>																				
			<input style="width: 100px;" type="text" value="\$104"/>																				
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input style="width: 100px;" type="text" value="\$104"/>																			

## Economic Benefit Worksheet

**Respondent** John Kiouis dba Tech Cafe  
**Case ID No.** 36500  
**Reg. Ent. Reference No.** RN101453561  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<i>No commas or \$</i>							

### Delayed Costs

Equipment	\$350	24-Jun-2008	31-May-2009	0.93	\$1	\$22	\$23
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to purchase and begin using a DPD kit, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$23

<b>Screening Date</b> 8-Sep-2008	<b>Docket No.</b> 2008-1560-PWS-E	<b>PCW</b>	
<b>Respondent</b> John Kiousis dba Tech Cafe	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36500	<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101453561			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Tel Croston			
<b>Violation Number</b> <input type="text" value="7"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(N)		
<b>Violation Description</b>	Failed to provide an operable flow measuring device on the well to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the investigation, it was documented that the well did not have a flow meter installed.		
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>
<b>Percent</b>			<input type="text" value="5%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>			<input type="text" value="0%"/>
<b>Matrix Notes</b>	Failure to provide the well with an operable flow meter may allow the operator to make incorrect production and usage calculations exposing customers to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation		
<b>Adjustment</b>			<input type="text" value="\$950"/>
			<input type="text" value="\$50"/>
<b>Violation Events</b>			
	<input type="text" value="1"/>	<input type="text" value="76"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
<b>Violation Base Penalty</b>			<input type="text" value="\$50"/>
One single event is recommended.			
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$0"/>
	<input type="text" value="0.0%"/>	Reduction	
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			<input type="text" value="\$50"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$5"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$52"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$52"/>

## Economic Benefit Worksheet

**Respondent:** John Kiouis dba Tech Cafe

**Case ID No.:** 36500

**Reg. Ent. Reference No.:** RN101453561

**Media:** Public Water Supply

**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: No commas or \$

### Delayed Costs

Equipment	\$75	24-Jun-2008	31-May-2009	0.93	\$0	\$5	\$5
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide a flow meter for the well, calculated from the date of the record review to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

TOTAL

\$5

<b>Screening Date</b> 8-Sep-2008		<b>Docket No.</b> 2008-1560-PWS-E		<b>PCW</b>	
<b>Respondent</b> John Kiouis dba Tech Cafe		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36500		<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101453561					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Tel Croston					
<b>Violation Number</b>	8				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(c)(3)(O)				
<b>Violation Description</b>	Failed to provide an enclosed, locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, at the time of the investigation, it was documented that the well house door was not on its hinges and there was an unsecured 30 inch opening in the roof.				
<b>Base Penalty</b>				\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual				
Potential		x		<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">10%</span>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
<b>Matrix Notes</b>	Failure to secure the well house may allow persons to enter the facility exposing the water 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				
<b>Adjustment</b>				\$900	
				\$100	
<b>Violation Events</b>					
	1	76	Number of violation days		
<i>mark only one with an x</i>	daily				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
One quarterly event is recommended from the date of the investigation, June 24, 2008 to the date of screening, September 8, 2008.				<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$100</span>	
<b>Good Faith Efforts to Comply</b>					
		<b>0.0% Reduction</b>	\$0		
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary					
Ordinary					
N/A	x	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$100	
<b>Economic Benefit (EB) for this violation</b>					
		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$0			<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px;">\$104</span>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$104	

## Economic Benefit Worksheet

**Respondent:** John Kiouis dba Tech Cafe  
**Case ID No.:** 36500  
**Reg. Ent. Reference No.:** RN101453561  
**Media:** Public Water Supply  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$75	24-Jun-2009	31-May-2009	-0.07	\$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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of replacing the hinges and repairing the hole in the roof, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

TOTAL

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator:  
Regulated Entity:

CN603325341 JOHN KIOUSIS  
RN101453561 TECH CAFE  
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
11710 UNIVERSITY AVE, LUBBOCK COUNTY, TX, 79423  
REGION 02 - LUBBOCK  
October 08, 2008

Classification:  
Classification:

Rating:  
Site Rating:  
1520184

Location:  
TCEQ Region:  
Date Compliance History Prepared:

Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 08, 2003 to October 08, 2008

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

Name: Tel Croston Phone: 239 - 5717

## 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.)

1	09/28/2004	(334352)
2	02/09/2007	(539436)
3	05/15/2007	(644674)
4	03/06/2008	(616956)
5	04/25/2008	(681034)
6	08/12/2008	(685446)

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

1	Date: 05/15/2007 (644674)		
	Self	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(4)	
	Description:	BACT - MONITORING/REPORTING VIOLATIONS	
2	Date: 04/25/2008 (681034)		
	Self	NO	Classification: Moderate
	Description:	BACT - MONITORING/REPORTING VIOLATIONS	

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  
JOHN KIOUSIS DBA TECH CAFÉ  
RN101453561

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1560-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 John Kiouisis dba Tech Café ("Mr. Kiouisis") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Kiouisis, appear before the Commission and together stipulate that:

1. Mr. Kiouisis owned and operated a restaurant with a public water supply located at 11710 University Avenue in Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has one service connection and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Mr. Kiouisis agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Kiouisis is subject to the Commission's jurisdiction.
4. Mr. Kiouisis received notice of the violations alleged in Section II ("Allegations") on or about August 17, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Kiouisis of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand four hundred eighty-four dollars (\$3,484.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Kiouisis paid three thousand four hundred eighty-four dollars (\$3,484.00) of the administrative penalty.
7. 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.
8. The Executive Director of the TCEQ and Mr. Kiouisis agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Kiouisis no longer owns or operates the Facility.
10. 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. Kiouisis has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

1. During an investigation conducted on June 24, 2008, a TCEQ Lubbock Regional Office investigator documented that Mr. Kiouisis violated:
  - a. 30 TEX. ADMIN. CODE § 290.42(e)(3), by failing to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions. Specifically, the hypochlorinator pump at the Facility was not connected to an electrical outlet, and there was not a solution tank located at the Facility.
  - b. 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), by failing to provide the well with a suitable sampling cock on the discharge pipe. Specifically, the well did not have a water sample tap.

- c. 30 TEX. ADMIN. CODE § 290.46(v), by failing to install electrical wiring in compliance with a local or national code. Specifically, wiring at the well was not installed in securely mounted conduit.
  - d. 30 TEX. ADMIN. CODE § 290.46(f), by failing to keep on file and make available for Commission review records of all waterworks operations and maintenance activities. Specifically, the only records available were the bacteriological monitoring reports.
  - e. 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing to provide a minimum pressure tank capacity of 220 gallons. Specifically, the pressure tank capacity was 65 gallons.
  - f. 30 TEX. ADMIN. CODE §§ 290.46(s) and 290.110(d)(1)(C), by failing to monitor the free chlorine residual within the distribution system using a method that employs a diethyl-p-phenyldiamine colorimeter.
  - g. 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), by failing to provide an operable flow measuring devise on the well to measure production yields and provide for the accumulation of water production data. Specifically, the well did not have a flow meter installed.
  - h. 30 TEX. ADMIN. CODE § 290.42(c)(3)(O), by failing to provide an enclosed, locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, the well house door was not on its hinges, and there was an unsecured 30 inch opening in the roof.
2. Mr. Kiouis received notice of the violations on or about August 17, 2008.

### III. DENIALS

Mr. Kiouis generally denies each allegation in Section II (“Allegations”).

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Kiouis pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Mr. Kiouis’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 considering or requiring corrective action or penalties for violations which 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: John Kiouisis dba Tech Café, Docket No. 2008-1560-PWS-E” to:

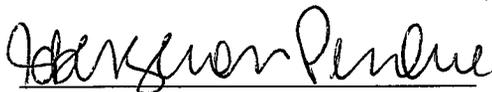
Financial Administration Division, Revenues Section  
Attention: Cashier’s Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Kiouisis.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Kiouisis 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. 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 this Agreed Order to Mr. Kiouisis, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Kiouisis, 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

9/23/09

\_\_\_\_\_  
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, 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, I understand that any falsification of any compliance documents may result in criminal prosecution

  
\_\_\_\_\_  
Signature

9-18-09  
\_\_\_\_\_  
Date

John Kiouisis  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
John Kiouisis dba Tech Café

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