EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0136-PWS-E TCEQ ID: RN101250306 AND RN100825082 CASE NO.: 35264

RESPONDENT NAME: DARRYL WINSTEAD DBA SAN GABRIEL RIVER RANCHES AND DBA INDIAN SPRINGS SUBDIVISION

ORDER TYPE:		
__1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
X 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 VIOLATIONS OCCURRED: County Road 214, 3.3 miles north of Highway 29, north of Liberty Hill, Williamson County, and Farm-to-Market Road 1431, 3.7 miles west of United States Highway 183, Travis County

TYPE OF OPERATION: Public water systems

SMALL BUSINESS: _X_ 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 has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on October 6, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Epifanio Villareal, Water Enforcement Section, MC R-14, (361) 825-3425

TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929

Respondent: Mr. Darryl Winstead, San Gabriel River Ranches and Indian Springs Subdivision, P.O. Box 728, Liberty Hill, Texas 78642-0278

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

RESPONDENT NAME: DARRYL WINSTEAD DBA SAN GABRIEL RIVER RANCHES AND DBA INDIAN SPRINGS SUBDIVISION
DOCKET NO.: 2008-0136-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up X Records Review **Date of Complaint Relating to this Case:** N/A **Dates of Investigation Relating to this Case:** January 3, 2008, January 22, 2008, and February 29, 2008 **Date of NOE Relating to this Case:** January 10, 2008 and February 29, 2008 **Background Facts:** The EDPRP was filed on June 24, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on July 10, 2008, as evidenced by the signature on the card. The Respondent failed to answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference. **PWS:** 1. Failed to compile and maintain an up-to-date chemical and microbiological monitoring plan at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.121(a) and (b)]. 2. Failed to prepare and submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter for 2007 for the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.110(e)(4)]. 3. Failed to conduct an annual inspection of the water system's ground storage tank at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].	**Total Assessed:** $2,375 **Total Deferred:** $0 ___ Expedited Settlement ___ Financial Inability to Pay ___ SEP Conditional Offset **Total Due to General Revenue:** $2,375 This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order. **Site Compliance History Classification** N/A **Person Compliance History Classification** N/A **Major Source:** ___ Yes X No **Applicable Penalty Policy:** September 2002	**Ordering Provisions** The Respondent shall undertake the following technical requirements: 1. Within 10 days: a. Begin compiling and maintaining an up to-date chemical and microbiological monitoring plan for the San Gabriel Facility; b. Begin compiling and maintaining an up to-date chemical and microbiological monitoring plan for the Indian Spring Facility; and c. Prepare and begin submitting DLQORs to the Commission for the San Gabriel Facility. 2. Within 30 days a. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 9240046 and 92270210; b. Conduct the annual inspection for the pressure tank and ground storage tank for the San Gabriel Facility; c. Begin compiling and maintaining an up-to-date and thorough plant operations manual for operator review and reference for the San Gabriel Facility; d. Repair or provide a concrete sealing block that extends at least three feet in all directions from the well casing for the San Gabriel Facility; and e. Calibrate the well meters once every three years for the San Gabriel Facility. 3. Within 45 days, submit written certification showing compliance with nos. 1 and 2 above. 4. Within 90 days, obtain a sanitary control easement that covers the land within 150 feet for each well for the San Gabriel Facility.

RESPONDENT NAME: DARRYL WINSTEAD DBA SAN GABRIEL RIVER RANCHES AND DBA INDIAN SPRINGS SUBDIVISION
DOCKET NO.: 2008-0136-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4. Failed to conduct an annual inspection of the water system's pressure tank at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. 5. Failed to provide sanitary control easements that cover the land within 150 feet of the water system's two wells at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. 6. Failed to compile and maintain a plant operations manual for operator review and reference at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.42(1)]. 7. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 8. Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)]. 9. Failed to meet the minimum well capacity requirement of 0.6 gpm per connection at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 10. Failed to calibrate the water system's two well meters once every three years at the San Gabriel Facility [30 TEX. ADMIN. CODE § 290.46(s)(1)]. 11. Failed to pay for the San Gabriel Facility all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 92460046 for Fiscal Years 2001 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(3)]. 12. Failed to pay for the Indian Springs Facility all annual and late PHS fees for TCEQ Financial Administration Account No. 92270210 for Fiscal Years 2001 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(3)]. 13. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan at the Indian Spring Facility [30 TEX. ADMIN. CODE § 290.121(a)].		5. Within 105 days, submit written certification of compliance with no. 4 above. 6. Within 180 days: a. Provide two or more service pumps having a total storage capacity of 2.0 gpm per connection for the San Gabriel Facility; and b. Provide a well capacity of 0.6 gpm per connection for the San Gabriel Facility. 7. Within 195 days, submit written certification demonstrating compliance with no. 6 above.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision January 29, 2008*

TCEQ

DATES						
Assigned	3-Mar-2008					
PCW	23-Apr-2008	Screening	3-Mar-2008	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	Darryl Winstead dba Indian Springs Subdivision		
Reg. Ent. Ref. No.	RN100825082		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35264	No. of Violations	2
Docket No.	2008-0136-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 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 — 30% Enhancement — *Subtotals 2, 3, & 7*: $30

Notes: The penalty enhancement is due to two prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action and one prior order that contains a denial of liability.

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

Notes: The 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: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$15
Approx. Cost of Compliance	$500

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $130

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: $130

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $130

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY: $130

PCW 1

Screening Date 3-Mar-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba Indian Springs Subdivision

Policy Revision 2 (September 2002)

Case ID No. 35264

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100825082

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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*)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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) 30%

>> 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

The penalty enhancement is due to two prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action and one prior order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 3-Mar-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba Indian Springs Subdivision *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN100825082

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the record review, it was documented that a monitoring plan had not been drafted.

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: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 1 — 3 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 $15

Statutory Limit Test

Violation Final Penalty Total $130

This violation Final Assessed Penalty (adjusted for limits) $130

Economic Benefit Worksheet

Respondent Darryl Winstead dba Indian Springs Subdivision
Case ID No. 35264
Reg. Ent. Reference No. RN100825082
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$500	29-Feb-2008	10-Oct-2008	0.6	$15	n/a	$15
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	The delayed cost includes the amount to prepare and begin maintaining a chemical and microbiological monitoring plan for the distribution system, calculated from the date of the file review to 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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $15

Screening Date 3-Mar-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba Indian Springs Subdivision *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN100825082

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3)

Violation Description Failed to pay all annual and late Public Health Service (PHS) fees for TCEQ Financial Administration Account No. 92270210 for Fiscal Years 2001 through 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Adjustment $1,000

$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

This violation Final Assessed Penalty (adjusted for limits) $0

Economic Benefit Worksheet

Respondent Darryl Winstead dba Indian Springs Subdivision
Case ID No. 35264
Reg. Ent. Reference No. RN100825082
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	N/A						
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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance	$0	TOTAL	$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600708770	WINSTEAD, DARRYL	Classification:	Rating:
Regulated Entity:	RN100825082	INDIAN SPRINGS SUBDIVISION	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2270210
	WATER LICENSING	LICENSE	2270210
Location:	N OF FM 1431 3.7 MILES WEST OF US 183, TRAVIS COUNTY, TX		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	March 03, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 03, 2003 to March 03, 2008		

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

Name: Epi Villarreal Phone: (210) 403-4033

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.

Effective Date: 08/07/2003 ADMINORDER 2000-0920-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)

Description: Failure to conduct reduced tap monitoring sampling for lead/copper at San Gabriel Water Works during calendar year 1999.

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 02/06/2007 (535474)

2 02/05/2008 (617103)

3 02/29/2008 (637506)

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

Date: 02/06/2007 (535474)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)

Description: Failure to employ a certified operator.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Date: 02/06/2008 (617103)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 6, 2007*

TCEQ

DATES						
Assigned	14-Jan-2008					
PCW	23-Apr-2008	Screening	18-Jan-2008	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	Darryl Winstead dba San Gabriel River Ranches		
Reg. Ent. Ref. No.	RN101250306		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35264	No. of Violations	11
Docket No.	2008-0136-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $1,350

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 33% Enhancement — *Subtotals 2, 3, & 7*: $445

Notes: The penalty enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action, four dissimilar NOVs, and one prior order that contains a denial of liability.

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

Notes: The 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: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,485
Approx. Cost of Compliance	$8,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $1,795

OTHER FACTORS AS JUSTICE MAY REQUIRE — 25% — *Adjustment*: $450

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount: $2,245

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $2,245

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY: $2,245

PCW 2

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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*)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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) 33%

>> 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

The penalty enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action, four dissimilar NOVs, and one prior order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 33%

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description Failed to compile and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

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: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 — 15 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 — Statutory Limit Test

Estimated EB Amount $7

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
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	$100	9-Mar-2007	10-Aug-2008	1.4	$7	n/a	$7
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	The delayed cost includes the amount to prepare and begin maintaining a chemical and microbiological monitoring plan for the distribution system, calculated from the date of the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100

TOTAL $7

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description Failed to prepare and submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter for 2007.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 4 — 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $400

Four single events are recommended for the four quarters of 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $52

Statutory Limit Test

Violation Final Penalty Total $665

This violation Final Assessed Penalty (adjusted for limits) $665

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
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				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				0.0	$0	$0	$0
Inspection/Reporting/Sampling	$50	1-Jan-2007	31-Dec-2007	1.0	$2	$50	$52
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)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs includes the amount necessary to prepare and submit the DLQORs, calculated for the four quarters of 2007.						

Approx. Cost of Compliance $50

TOTAL $52

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to conduct an annual inspection of the water system's ground storage tank.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

		Harm		
	Release	Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect that causes loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contamination that would not exceed levels that are protective of human health

Adjustment $900

$100

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $100

One annual event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $105

Statutory Limit Test

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
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				0.0	$0	$0	$0
Inspection/Reporting/Sampling	$100	3-Jan-2007	3-Jan-2008	1.0	$5	$100	$105
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)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the amount to conduct the annual ground storage tank inspection, calculated for the one year prior to the date of the record review.						

Approx. Cost of Compliance $100

TOTAL $105

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to conduct an annual inspection of the water system's pressure tank.

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: Complete failure to perform an inspection of the pressure tank could result in non-detection of a tank defect that causes loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contamination that would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $105

Statutory Limit Test

Violation Final Penalty Total $416

This violation Final Assessed Penalty (adjusted for limits) $416

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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							
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	$100	3-Jan-2007	3-Jan-2008	1.0	$5	$100	$105
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)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the amount to conduct the annual pressure tank inspection, calculated for the one year prior to the date of the record review.						

Approx. Cost of Compliance $100

TOTAL $105

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to provide sanitary control easements that cover the land within 150 feet of the water system's two wells.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 2 — 15 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

Two single events are recommended (one event per well).

Economic Benefit (EB) for this violation

Estimated EB Amount $23

Statutory Limit Test

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	9-Mar-2007	1-Nov-2008	1.7	$1	$22	$23
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: The delayed cost includes the amount to obtain a sanitary control easement for the wells, calculated from the the date the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $23

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

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

Violation Description Failed to compile and maintain a plant operations manual for operator review and reference.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events: 1 — 15 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 $15

Statutory Limit Test

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 6

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	$200	9-Mar-2007	1-Sep-2008	1.5	$15	n/a	$15
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: The delayed costs includes the amount required to develop a plant operations manual, calculated from the date the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $15

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, at the time of the record review, it was noted that the water system has 205 connections and must provide a minimum pump capacity of 410 gpm. However, only 360 gpm were provided, which is approximately 12% deficient.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient service pump capacity, customers of the water system could experience water outages and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

Adjustment $900

$100

Violation Events

1 Number of violation days: 15

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the date of the record review, January 3, 2008, to the date of screening, January 18, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $267

Statutory Limit Test

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$2,000	9-Mar-2007	1-Feb-2009	1.9	$13	$254	$267
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	The delayed costs include the amount to provide a total capacity of 2.0 gallons per minute per connection, calculated from the date the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$2,000	TOTAL	$267

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing. Specifically, at the time of the record review, it was noted that the concrete sealing block was cracked and damaged.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide an adequate concrete sealing block could allow contaminants to enter the well and expose the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

1 Number of violation days: 15

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $83

This violation Final Assessed Penalty (adjusted for limits) $83

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$50	9-Mar-2007	1-Sep-2008	1.5	$0	$5	$5
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	The delayed cost includes the amount to repair or extend the size of the concrete sealing block, calculated from the date the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $50

TOTAL $5

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to meet the minimum well capacity requirement of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was noted that the water system has 205 connections and must provide a minimum well production of 123 gpm per connection. However, only 115 gpm were provided, which is approximately 7% deficient.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient well capacity, customers of the water system could experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 — 15 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $666

Statutory Limit Test

Violation Final Penalty Total $83

This violation Final Assessed Penalty (adjusted for limits) $83

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$5,000	9-Mar-2007	1-Feb-2009	1.9	$32	$635	$666
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: The delayed cost includes the amount to meet the Commission's minimum well capacity requirement of 0.6 gpm per connection, calculated from the date the violation was originally documented to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $5,000

TOTAL $666

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) .

Violation Description Failed to calibrate the water system's two well meters once every three years.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have the well meters properly calibrated could result in inaccurate or unavailable water usage and production data resulting in water being delivered to the public that contains an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 2 | 1095 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

Two single events are recommended (one event per meter).

Economic Benefit (EB) for this violation

Estimated EB Amount $239

Statutory Limit Test

Violation Final Penalty Total $166

This violation Final Assessed Penalty (adjusted for limits) $166

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 10

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				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
Other (as needed)	$200	3-Jan-2005	3-Jan-2008	3.9	$39	$200	$239
Notes for AVOIDED costs	The avoided cost includes the amount to calibrate the water system's meters, calculated for the three years prior to the record review date.						

Approx. Cost of Compliance	$200	TOTAL	$239

Screening Date 18-Jan-2008 **Docket No.** 2008-0136-PWS-E **PCW**

Respondent Darryl Winstead dba San Gabriel River Ranches *Policy Revision 2 (September 2002)*

Case ID No. 35264 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101250306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3)

Violation Description Failed to pay all annual and late Public Health Service (PHS) fees for TCEQ Financial Administration Account No. 92460046 for Fiscal Years 2001 through 2008.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Adjustment $1,000

$0

Violation Events

Number of Violation Events ____ ____ Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

This violation Final Assessed Penalty (adjusted for limits) $0

Economic Benefit Worksheet

Respondent Darryl Winstead dba San Gabriel River Ranches
Case ID No. 35264
Reg. Ent. Reference No. RN101250306
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	N/A						
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
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance	$0	TOTAL	$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600708770	WINSTEAD, DARRYL	Classification:	Rating:
Regulated Entity:	RN101250306	SAN GABRIEL RIVER RANCHES	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2460046
	WATER LICENSING	LICENSE	2460046
Location:	ON CR 214 3.3 MILES N of HWY 29 N OF LIBERTY HILL, WILLIAMSON COUNTY, TEXAS		

TCEQ Region:	REGION 11 - AUSTIN
Date Compliance History Prepared:	January 18, 2008
Agency Decision Requiring Compliance History:	Enforcement
Compliance Period:	January 18, 2003 to January 18, 2008

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

Name: Epi Villarreal Phone: (210) 403-4033

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.

Effective Date: 08/07/2003 ADMINORDER 2000-0920-PWS-E
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)
Description: Failure to conduct reduced tap monitoring sampling for lead/copper at San Gabriel Water Works during calendar year 1999.

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 02/11/2003 (21063)
2 06/27/2006 (538187)
3 09/25/2006 (538692)
4 11/21/2006 (538703)
5 12/21/2006 (539012)

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

Date: 06/27/2006 (538187)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: Failure to collect any routine monitoring sample(s) for 05/2006.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 05/2006.

Date: 09/25/2006 (538692)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

CH 2

Description: Sent in copies of routine monitoring sample(s) for 08/2006.

Date: 11/21/2006 (538703)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: Failure to collect any routine monitoring sample(s) for 10/2006.

Date: 12/21/2006 (539012)

Self Report? NO Classification Moderate

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

Description: Failure to collect any routine monitoring sample(s) for 11/2006.

Date: 04/26/2007 (541072)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to provide a monitoring plan.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)
Description: Failure to submit a Quarterly Distribution Report.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to have tank inspection record available.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to provide a sanitary control easement.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a plant operation manual.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
Description: Failure to provide the service pump capacity of 2.0 gpm per connection at each pump station or pressure plan.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide concrete block extending at least three feet from the well casing in all direction.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
Description: Failure to provide the well production capacity of 0.6 gpm per connection.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate well meter every three years.

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 DARRYL WINSTEAD DBA SAN GABRIEL RIVER RANCHES AND DBA INDIAN SPRINGS SUBDIVISION; RN101250306 AND RN100825082	§ § § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER
DOCKET NO. 2008-0136-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision ("Mr. Winstead").

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

FINDINGS OF FACT

1. Mr. Winstead owns and operates two public water systems, as defined in 30 TEX. ADMIN. CODE § 290.38(63), at the following locations:

   a. San Gabriel River Ranches, on County Road 214, 3.3 miles north of Highway 29, north of Liberty Hill, Williamson County, Texas ("San Gabriel Facility") that has approximately 205 service connections; and

   b. Indian Springs Subdivision, north of Farm-to-Market Road 1431, 3.7 miles west of United States Highway 183, Travis County, Texas ("Indian Springs Facility") that has approximately 51 service connections.

2. During a record review conducted on January 3, 2008, a TCEQ Austin Regional Office investigator documented that Mr. Winstead, at the San Gabriel Facility:

   a. Failed to compile and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling

frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements;

b. Failed to prepare and submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Commission each quarter by the tenth day of the month following the end of each quarter for 2007;

c. Failed to conduct an annual inspection of the water system's ground storage tank;

d. Failed to conduct an annual inspection of the water system's pressure tank;

e. Failed to provide sanitary control easements that cover the land within 150 feet of the water system's two wells;

f. Failed to compile and maintain a plant operations manual for operator review and reference;

g. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the water system has 205 connections and must provide a minimum pump capacity of 410 gpm. However, only 360 gpm were provided, which is approximately as 12% deficiency;

h. Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing. Specifically, the concrete sealing block was cracked and damaged;

i. Failed to meet the minimum well capacity requirement of 0.6 gpm per connection. Specifically, the water system has 205 connections and must provide a minimum well production of 123 gpm per connection. However, only 115 gpm were provide, which is approximately a 7% deficiency; and

j. Failed to calibrate the water system's two well meters once every three years.

3. During a record review conducted on January 22, 2008, a San Antonio Regional Office investigator documented that Mr. Winstead failed to pay for the San Gabriel Facility all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 92460046 for Fiscal Years 2001 through 2008.

4. During a record review conducted on January 22, 2008, a San Antonio Regional Office investigator documented that Mr. Winstead failed to pay for the Indian Springs Facility all

annual and late PHS fees for TCEQ Financial Administration Account No. 92270210 for Fiscal Years 2001 through 2008.

5. During a record review conducted on February 29, 2008, a TCEQ Regional Office investigator documented that Mr. Winstead, at the Indian Spring Facility, failed to develop and maintain an up-to-date chemical and microbiological monitoring plan.

6. Mr. Winstead received notice of the violations on or about January 15, 2008 and March 5, 2008.

7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision" (the "EDPRP") in the TCEQ Chief Clerk's office on June 24, 2008.

8. By letter dated June 24, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Winstead with notice of the EDPRP. According to the return receipt "green card," Mr. Winstead received notice of the EDPRP on July 10, 2008, as evidenced by the signature on the card.

9. More than 20 days have elapsed since Mr. Winstead received notice of the EDPRP, provided by the Executive Director. Mr. Winstead failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Mr. Winstead 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. 2.a., Mr. Winstead failed to compile and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

3. As evidenced by Finding of Fact No. 2.b., Mr. Winstead failed to prepare and submit a DLQOR to the Commission each quarter by the tenth day of the month following the end of each quarter for 2007, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4).

4. As evidenced by Finding of Fact No. 2.c., Mr. Winstead failed to conduct an annual inspection of the water system's ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).

5. As evidenced by Finding of Fact No. 2.d., Mr. Winstead failed to conduct an annual inspection of the water system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).

6. As evidenced by Finding of Fact No. 2.e., Mr. Winstead failed to provide sanitary control easements that cover the land within 150 feet of the water system's two wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).

7. As evidenced by Finding of Fact No. 2.f., Mr. Winstead failed to compile and maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).

8. As evidenced by Finding of Fact No. 2.g., Mr. Winstead failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

9. As evidenced by Finding of Fact No. 2.h., Mr. Winstead failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).

10. As evidenced by Finding of Fact No. 2.i., Mr. Winstead failed to meet the minimum well capacity requirement of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

11. As evidenced by Finding of Fact No. 2.j., Mr. Winstead failed to calibrate the water system's two well meters once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).

12. As evidenced by Finding of Fact No. 3, Mr. Winstead failed to pay for the San Gabriel Facility all annual and late Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 92460046 for Fiscal Years 2001 through 2008, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3).

13. As evidenced by Finding of Fact No. 4, Mr. Winstead failed to pay for the Indian Springs Facility all annual and late PHS fees for TCEQ Financial Administration Account No. 92270210 for Fiscal Years 2001 through 2008, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3).

14. As evidenced by Finding of Fact No. 5, Mr. Winstead, at the Indian Spring Facility, failed to develop and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a).

15. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director timely served Mr. Winstead with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).

16. As evidenced by Finding of Fact No. 9, Mr. Winstead failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Winstead and assess the penalty recommended by the Executive Director.

17. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Winstead for violations of the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statute, or for violations of orders or permits issued under such statute.

18. An administrative penalty in the amount of two thousand three hundred seventy-five dollars ($2,375.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049

19. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Mr. Winstead is assessed an administrative penalty in the amount of two thousand three hundred seventy-five dollars ($2,375.00) for violations of the Texas Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Mr. Winstead's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be

sent with the notation "Re: Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision; Docket No. 2008-0136-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. Mr. Winstead shall undertake the following technical requirements:

a. Within 10 days after the effective date of this Order, Mr. Winstead shall:

i. Begin compiling and maintaining an up-to-date chemical and microbiological monitoring plan for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.121;

ii. Begin compiling and maintaining an up-to-date chemical and microbiological monitoring plan for the Indian Spring Facility, in accordance with 30 TEX. ADMIN. CODE § 290.121;

iii. Prepare and begin submitting DLQORs to the Commission in a timely manner for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.110.

b. Within 30 days after the effective date of this Order, Mr. Winstead shall:

i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account Nos. 92460046 and 92270210. The payment shall be sent with the notation "Darryl Winstead dba Gabriel River Ranches and dba Indian Spring Subdivision, FA Account Nos. 92460046 and 92270210" 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

ii. Conduct the annual inspection for the pressure tank and ground storage tank for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.

iii. Begin compiling and maintaining an up-to-date and thorough plant operations manual for operator review and reference for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.42.

iv. Repair or provide a concrete sealing block that extends at least three feet in all directions from the well casing for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41; and

v. Calibrate the well meters once every three years for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.

c. Within 45 days after the effective date of this Order, Mr. Winstead shall submit written certification as described below in Ordering Provision 2.g. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.

d. Within 90 days after the effective date of this Order, Mr. Winstead shall obtain a sanitary control easement that covers the land within 150 feet for each well for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41.

e. Within 105 days after the effective date of this Order, Mr. Winstead shall submit written certification as described below in Ordering Provision 2.g., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d.

f. Within 180 days after the effective date of this Order, Mr. Winstead shall;

i. Provide two or more service pumps having a total storage capacity of 2.0 gpm per connection for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

ii. Provide a well capacity of 0.6 gpm per connection for the San Gabriel Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45.

g. Within 195 days after the effective date of this Order, Mr. Winstead shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No.

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

Mr. Winstead shall submit the written certification and copies of documentation necessary to demonstrate compliance 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:

> Carolyn Runyon, Water Section Manager
> Texas Commission on Environmental Quality
> Austin Regional Office
> 2800 South IH 35, Suite 100
> Austin, Texas 78704-5700

3. All relief not expressly granted in this Order is denied.

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

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

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Winstead if the Executive Director determines that Mr. Winstead has not complied with one or more of the terms or conditions in this Order.

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

8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

For the Commission

AFFIDAVIT OF MARY R. RISNER

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Mary R. Risner. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision" (the "EDPRP") was filed with the Office of the Chief Clerk on June 24, 2008.

The EDPRP was mailed to Mr. Winstead at his last known address on June 24, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Mr. Winstead received notice of the EDPRP on July 10, 2008 as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Winstead received notice of the EDPRP. Mr. Winstead failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference."

Mary R Risner

Mary R. Risner, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Mary R. Risner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 5 day of August, A.D., 2008.

Margaret Jackson

Notary Signature

Margaret Jackson
Notary Public
State of Texas
My Commission Expires
OCTOBER 06, 2009