

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-1287-PWS-E **TCEQ ID:** RN101189348 **CASE NO.:** 36334
RESPONDENT NAME: Gerard Ortiz dba River Oaks Water System

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: River Oaks Water System, located on Clen Oak Parkway, Burnet County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Gerard Ortiz, Owner, River Oaks Water System, 214 Inwood Lane, Burnet, Texas 78611 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 4, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 25, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide accurate testing equipment for monitoring the effectiveness of any chemical treatment process used by the system [30 TEX. ADMIN. CODE § 290.46(s)].</p> <p>2) Failure to perform annual inspection of the system's ground storage tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>3) Failure to perform annual inspection of the system's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>4) Failure to compile and maintain a complete and up-to-date operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(I)].</p> <p>5) Failure to develop and maintain a record of water works activities and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(3), 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iii), 290.46(f)(3)(A)(iv), 290.46(f)(3)(A)(v), and 290.46(f)(3)(A)(vi)].</p> <p>6) Failure to plug abandoned public water supply wells with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to water well drillers and water pump installers) [30 TEX. ADMIN. CODE § 290.46(u)].</p>	<p>Total Assessed: \$3,907</p> <p>Total Deferred: \$781 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,125</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, provide accurate testing equipment for monitoring the effectiveness of any chemical treatment process used by the system, including but not limited to diethyl-p-phenylenediamine chlorine reagent packets that are not expired.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Perform annual inspection of the system's ground storage tanks;</p> <p>ii. Perform annual inspection of the system's pressure tank;</p> <p>iii. Compile and maintain a complete and up-to-date operations manual for operator review and reference;</p> <p>iv. Begin operating the Facility under the direct supervision of a Class "D" or higher certified water works operator; and</p> <p>v. Develop and begin maintaining a record of operations for the water system, including but not limited to: a record of chemicals used each week, the volume of water treated each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent complaint investigation, the dates dead-end mains were flushed, the dates the storage tanks and other facilities were cleaned, and the maintenance records for the water system facility and equipment.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and b.</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p>

<p>7) Failure to provide the pressure tank with facilities for maintaining the air-water-volume at the design water level and working pressure and failure to equip the air injection line with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p> <p>8) Failure to provide an operational flow measuring device for the water system's well, located to facilitate daily reading to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>9) Failure to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>10) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p>		<p>i. Provide the pressure tank with an operable air-water-volume indicator and equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank;</p> <p>ii. Provide an operational flow measuring device for the water system's well; and</p> <p>iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to refurbishing the pressure tank to prevent further corrosion of its metal surfaces.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d;</p> <p>f. Within 120 days after the effective date of this Agreed Order, plug abandoned Well Nos. 2 and 3 with cement or demonstrate that they are in a non-deteriorated condition; and</p> <p>g. Within 135 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision f.</p>
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Additional ID No(s): PWS ID No. 0270065

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the various methods used to collect and analyze data. This includes both qualitative and quantitative techniques, as well as the use of statistical software to process large amounts of information. The goal is to identify trends and patterns that can inform decision-making.

3. The third part of the document focuses on the interpretation of the results. This involves comparing the findings against the objectives of the study and against relevant benchmarks. It is important to consider the limitations of the data and the potential for bias in the analysis.

4. The final part of the document provides a summary of the key findings and offers recommendations for future research. This should be based on the evidence gathered and should take into account the needs and interests of the stakeholders involved.

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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

DATES	Assigned	28-Jul-2008	Screening	6-Aug-2008	EPA Due	
	PCW	30-Jul-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Gerard Ortiz dba River Oaks Water System		
Reg. Ent. Ref. No.	RN101189348		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36334	No. of Violations	10
Docket No.	2008-1287-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeoduru
		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	\$3,350
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$167
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Notes The enhancement is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$883
Approx. Cost of Compliance	\$7,470

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,517
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$389
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement recommended for the recovery of avoided costs.

Final Penalty Amount	\$3,906
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,907
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DEFERRAL	20.0% Reduction	Adjustment	-\$781
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,125
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Screening Date 6-Aug-2008

Docket No. 2008-1287-PWS-E

PCW

Respondent Gerard Ortiz dba River Oaks Water System

Policy Revision 2 (September 2002)

Case ID No. 36334

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101189348

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 5%

>> **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 enhancement is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 6-Aug-2008		Docket No. 2008-1287-PWS-E		PCW
Respondent Gerard Ortiz dba River Oaks Water System				<i>Policy Revision 2 (September 2002)</i>
Case ID No. 36334				<i>PCW Revision April 29, 2008</i>
Reg. Ent. Reference No. RN101189348				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)			
Violation Description	Failed to provide accurate testing equipment for monitoring the effectiveness of any chemical treatment process used by the system. Specifically, at the time of the investigation, it was documented that the diethyl-p-phenylenediamine ("DPD") reagent packets used for the accurate testing of the effectiveness of the system's disinfection equipment were expired.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential	x			Percent 25%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
				Percent 0%
Matrix Notes	Failure to provide accurate testing methods to monitor the effectiveness of the disinfection process could result in the non-detection of improperly treated water and potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.			
Adjustment				\$750
				\$250
Violation Events				
Number of Violation Events		3	Number of violation days	
			63	
<i>mark only one with an x</i>	daily			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$750
Three monthly events are recommended, calculated from the investigation date, June 4, 2008, to the screening date, August 6, 2008.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$750
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$4	Violation Final Penalty Total	
			\$875	
This violation Final Assessed Penalty (adjusted for limits)				\$875

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System

Case ID No. 36334

Reg. Ent. Reference No. RN101189348

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Jun-2008	28-Feb-2009	0.74	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the amount necessary to provide and use DPD chlorine reagents. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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 \$100

TOTAL \$4

Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW		
Respondent Gerard Ortiz dba River Oaks Water System		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36334		<small>PCW Revision April 29, 2008</small>		
Reg. Ent. Reference No. RN101189348				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)			
Violation Description	Failed to perform annual inspection of the system's ground storage tanks. Specifically, at the time of the investigation, it was documented that the ground storage tanks had not been inspected within the 12 months prior to the investigation.			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent <input type="text" value="10%"/>
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
>> Programmatic Matrix				
	Major	Moderate	Minor	
	Falsification			Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	Failure to perform annual inspections of the storage tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.			
	Adjustment	<input type="text" value="\$900"/>		
				<input type="text" value="\$100"/>
Violation Events				
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="63"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text" value="x"/>		
	single event	<input type="text"/>		
			Violation Base Penalty	<input type="text" value="\$200"/>
Two annual events are recommended, based on one annual event for each ground storage tank.				
Good Faith Efforts to Comply				
	0.0% Reduction			<input type="text" value="\$0"/>
	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"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal			<input type="text" value="\$200"/>
Economic Benefit (EB) for this violation				
Statutory Limit Test				
	Estimated EB Amount	<input type="text" value="\$210"/>	Violation Final Penalty Total	<input type="text" value="\$233"/>
				This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$233"/>

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System

Case ID No.: 36334

Reg. Ent. Reference No.: RN101189348

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	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	\$200	4-Jun-2007	4-Jun-2008	1.00	\$10	\$200	\$210
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

The avoided costs includes the amount necessary to inspect the two ground storage tanks, calculated for the 12 months preceeding the June 4, 2008 investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$210

Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW			
Respondent Gerard Ortiz dba River Oaks Water System	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36334	<small>PCW Revision April 29, 2008</small>				
Reg. Ent. Reference No. RN101189348					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number <input type="text" value="3"/>					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B)				
Violation Description	Failed to perform annual inspection of the system's pressure tank. Specifically, at the time of the investigation, it was documented that the pressure tank had not been inspected within the 12 months prior to the investigation.				
Base Penalty		<input type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent	
	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text" value="25%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Matrix Notes	Failure to perform inspections on the pressure tanks could result in non-detection of tank defects which could result in loss of tank integrity, compromising the system's ability to supply water resulting in a significant amount of contaminants that exceed levels that are protective of human health.				
Adjustment					<input type="text" value="\$750"/>
Subtotal					<input type="text" value="\$250"/>
Violation Events					
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="63"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text" value="x"/>			
single event	<input type="text"/>				
One annual event is recommended.					Violation Base Penalty
					<input type="text" value="\$250"/>
Good Faith Efforts to Comply					
		0.0% Reduction		<input type="text" value="\$0"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>		<input type="text"/>		
Ordinary	<input type="text"/>		<input type="text"/>		
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					<input type="text" value="\$250"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$105"/>		Violation Final Penalty Total		<input type="text" value="\$292"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$292"/>

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System
Case ID No. 36334
Reg. Ent. Reference No. RN101189348
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs:

Avoided Costs

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

Item Description	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	\$100	4-Jun-2007	4-Jun-2008	1.00	\$5	\$100	\$105
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:

The avoided costs includes the amount necessary to inspect the pressure tank, calculated for the 12 months preceeding the June 4, 2008 investigation.

Approx. Cost of Compliance	\$100	TOTAL	\$105
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Screening Date 6-Aug-2008		Docket No. 2008-1287-PWS-E		PCW
Respondent Gerard Ortiz dba River Oaks Water System		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36334		<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No. RN101189348				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to compile and maintain a complete and up-to-date operations manual for operator review and reference.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	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	Number of violation days	
		63		
<i>mark only one with an x</i>	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
Violation Base Penalty				\$100
One single event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$100
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$10	Violation Final Penalty Total	
			\$117	
			This violation Final Assessed Penalty (adjusted for limits)	
			\$117	

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System
Case ID No.: 36334
Reg. Ent. Reference No.: RN101189348
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	4-Jun-2008	31-Mar-2009	0.82	\$10	n/a	\$10

Notes for DELAYED costs The delayed costs include the amount necessary to develop and maintain a facility operations manual. The date required is the investigation date. The final date is the estimated compliance date.

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 \$250 **TOTAL** \$10

Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW	
Respondent Gerard Ortiz dba River Oaks Water System	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36334	<small>PCW Revision April 29, 2008</small>		
Reg. Ent. Reference No. RN101189348			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="5"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(3), 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iii), 290.46(f)(3)(A)(iv), 290.46(f)(3)(A)(v), and 290.46(f)(3)(A)(vi)		
Violation Description	Failed to develop and maintain a record of water works activities and maintenance activities. Specifically, at the time of the investigation, it was documented that the following records were not available for review: the amount of chemicals used each week, the volume of water treated each week, records of water outages or complaints, the dates dead-end mains were flushed, the dates that storage tanks and other facilities were cleaned, and maintenance records for the water system's equipment and facilities.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release	Actual	Potential	Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
			Percent <input type="text" value="10%"/>
Falsification	Major	Moderate	Minor
Matrix Notes	100% of the rule requirement was not met.		
Adjustment			<input type="text" value="\$900"/>
			<input type="text" value="\$100"/>
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="63"/>	
<small>mark only one with an x</small>	daily	monthly	quarterly
	semiannual	annual	single event
			Violation Base Penalty <input type="text" value="\$100"/>
One single event is recommended.			
Good Faith Efforts to Comply			<input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/>
			<small>Before NOV NOV to EDRP/Settlement Offer</small>
Extraordinary	Ordinary	N/A	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$100"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$10"/>		Violation Final Penalty Total <input type="text" value="\$117"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$117"/>

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System
Case ID No.: 36334
Reg. Ent. Reference No.: RN101189348
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
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				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)	\$250	4-Jun-2008	31-Mar-2009	0.82	\$10	n/a	\$10

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a record of operations for the system. The date required is the investigation date. The final date is the estimated compliance date.

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	\$250	TOTAL	\$10
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Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW	
Respondent Gerard Ortiz dba River Oaks Water System	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36334	<small>PCW Revision April 29, 2008</small>		
Reg. Ent. Reference No. RN101189348			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(u)		
Violation Description	Failed to plug abandoned public water supply wells with cement according to 16 Tex. Admin. Code ch. 76 (relating to water well drillers and water pump installers). Specifically, at the time of the investigation, it was documented that Well Nos. 2 and 3 were not plugged and had not been tested within the past 5 years to prove that they are not in a deteriorated condition.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	x	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="0%"/>
Matrix Notes	Failure to plug the abandoned wells could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.		
Adjustment			<input type="text" value="\$750"/>
			<input type="text" value="\$250"/>
Violation Events			
Number of Violation Events	<input type="text" value="6"/>	<input type="text" value="63"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,500"/>
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Six monthly events are recommended, based on three monthly events for each well, calculated from the investigation date, June 4, 2008, to the screening date, August 6, 2008.			
Good Faith Efforts to Comply			<input type="text" value="0.0% Reduction"/>
			<input type="text" value="\$0"/>
			<input type="text" value="Before NOV NOV to EDRP/Settlement Offer"/>
Extraordinary	<input type="text"/>	<input type="text"/>	Violation Subtotal <input type="text" value="\$1,500"/>
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$375"/>	Violation Final Penalty Total	<input type="text" value="\$1,749"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,749"/>

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System
Case ID No.: 36334
Reg. Ent. Reference No.: RN101189348
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	4-Jun-2008	30-Jun-2009	1.07	\$18	\$357	\$375
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to plug or test the abandoned wells. The date required is the date of the investigation. The final date is the estimated date of compliance.

Avoided Costs

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

Item Description	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

\$5,000

TOTAL

\$375

Screening Date 6-Aug-2008		Docket No. 2008-1287-PWS-E		PCW	
Respondent Gerard Ortiz dba River Oaks Water System				<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36334				<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101189348					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number	<input type="text" value="7"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.43(d)(3)"/>				
Violation Description	<p>Failed to provide the pressure tank with facilities for maintaining the air-water-volume at the design water level and working pressure and failed to equip the air injection line with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank. Specifically, at the time of the investigation, it was documented that the pressure tank did not have a functional air-water-volume indicator and the air injection line was not equipped with an inline filter.</p>				
Base Penalty				<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	x	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	<p>Failing to provide the pressure tanks with some sanitary means of determining air-water-volume may result in the tank becoming water logged due to insufficient air volume, exposing the water supply to a significant amount of contaminants which would not exceed levels protective of human health.</p>				
Adjustment				<input type="text" value="\$900"/>	
<input type="text" value="\$100"/>					
Violation Events					
	<input type="text" value="1"/>	<input type="text" value="63"/>	Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>		
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	<input type="text"/>				
<p>One quarterly event is recommended, calculated from the investigation date, June 4, 2008, to the screening date, August 6, 2008.</p>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction <input type="text" value="\$0"/>		
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	<p>The Respondent does not meet the good faith criteria for this violation.</p>				
Violation Subtotal				<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$13"/>	Violation Final Penalty Total	<input type="text" value="\$117"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$117"/>	

Economic Benefit Worksheet

Respondent Gerard Ortiz dba River Oaks Water System
Case ID No. 36334
Reg. Ent. Reference No. RN101189348
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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No commas or \$

Delayed Costs

Equipment	\$200	4-Jun-2008	30-Apr-2009	0.90	\$1	\$12	\$13
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 cost includes the amount to equip the pressure tanks with a functional air-water-volume indicator and to install a filter or similar device on the air injection line of the pressure tank. The date required is the date of the investigation. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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	\$200	TOTAL	\$13
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Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW	
Respondent Gerard Ortiz dba River Oaks Water System		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36334		<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101189348			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number	<input type="text" value="8"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(N)"/>		
Violation Description	<input type="text" value="Failed to provide an operational flow measuring device for the water system's well, located to facilitate daily reading 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 flow meter was not operational."/>		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	x
Percent			<input type="text" value="5%"/>
>> Programmatic Matrix			
Falsification			
Major			Moderate
Minor			
<input type="text"/>			<input type="text"/>
<input type="text"/>			<input type="text"/>
Percent			<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to provide a flow measuring device could contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply, which could expose customers to an insignificant amount of pollutants that would not exceed levels protective of human health."/>		
Adjustment			<input type="text" value="\$950"/>
			<input type="text" value="\$50"/>
Violation Events			
		<input type="text" value="1"/>	<input type="text" value="63"/>
		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply			
		<input type="text" value="0.0%"/>	<input type="text" value="\$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	x	(mark with x)	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal			<input type="text" value="\$50"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$19"/>	Violation Final Penalty Total	<input type="text" value="\$58"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$58"/>

Economic Benefit Worksheet

Respondent: Gerard Ortiz dba River Oaks Water System
Case ID No.: 36334
Reg. Ent. Reference No.: RN101189348
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

Equipment	\$300	4-Jun-2008	30-Apr-2009	0.90	\$1	\$18	\$19
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 cost includes the amount necessary to install a flow measuring device at the well. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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

\$19

Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW
Respondent Gerard Ortiz dba River Oaks Water System	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36334	<small>PCW Revision April 29, 2008</small>	
Reg. Ent. Reference No. RN101189348		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number <input type="text" value="9"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)"/>	
Violation Description	<input type="text" value="Failed to operate the water system under the direct supervision of a water works operator who holds a Class 'D' or higher license. Specifically, at the time of the investigation, it was documented that the system's operator's license expired on May 31, 2006."/>	
Base Penalty		<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release				
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	x
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended, calculated from the investigation date, June 4, 2008, to the screening date, August 6, 2008.

Good Faith Efforts to Comply **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	x	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gerard Ortiz dba River Oaks Water System
Case ID No. 36334
Reg. Ent. Reference No. RN101189348
Media Public Water Supply
Violation No. 9

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 Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	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)	\$70	4-Jun-2008	6-Aug-2008	1.09	\$4	\$70	\$74

Notes for AVOIDED costs

The avoided cost includes the exam cost for a Class D operators license. The date required is the investigation date. The final date is the screening date.

Approx. Cost of Compliance

\$70

TOTAL

\$74

Screening Date 6-Aug-2008	Docket No. 2008-1287-PWS-E	PCW
Respondent Gerard Ortiz dba River Oaks Water System	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36334	<i>PCW Revision April 29, 2008</i>	
Reg. Ent. Reference No. RN101189348		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number	10	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)	
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the pressure tank was showing signs of corrosion.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>

Matrix Notes If the system's facilities are not maintained, customers of the water system could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

One quarterly event is recommended, calculated from the investigation date, June 4, 2008, to the screening date, July 6, 2008.

Good Faith Efforts to Comply **0.0% Reduction**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gerard Ortiz dba River Oaks Water System
Case ID No. 36334
Reg. Ent. Reference No. RN101189348
Media Public Water Supply
Violation No. 10

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	\$1,000	4-Jun-2008	30-Apr-2009	0.90	\$3	\$60	\$63
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 cost includes the amount to rehabilitate the pressure tank. The date required is the investigation date. The final date is 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	\$1,000	TOTAL	\$63
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Compliance History

Customer/Respondent/Owner-Operator:	CN600635775 ORTIZ, GERARD	Classification:	Rating:
Regulated Entity:	RN101189348 RIVER OAKS WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0270065
	WATER LICENSING	LICENSE	0270065
Location:	CLEN OAK PARKWAY, BURNET, BURNET COUNTY, TEXAS		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	July 28, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 28, 2003 to July 28, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Andrea Linson-Mgbeoduru	Phone:	512-239-1482

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	03/30/2004	(263684)
2	07/25/2008	(681974)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/30/2004 (263684)		
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)	
Description:	Failed to ensure that all water system electrical wiring is installed in securely mounted conduit.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)	
Description:	Failed to maintain a record of water works activities.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)	
Description:	Failed to maintain an accurate and up-to-date map.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)	
Description:	Failed to compile a plant operations manual (30 TAC 290.42(l) formerly 30 TAC 290.42(k)).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(3)	
Description:	Failed to provide an air water volume indicator on the pressure tank.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)	

Description: Failed to lock the roof hatches on the ground storage tanks.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failed to adopt a plumbing ordinance.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)
 Description: Failed to provide a backflow prevention assembly at the Heart of Texas Resort swimming pool.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failed to obtain a sanitary easement or obtain a substitute for a sanitary easement for the well.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)
 Description: Failed to plug or test an abandoned Public Water Supply well.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failed to provide an operable flow measuring device at the well to measure well production.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failed to maintain all Facility appurtenances in a watertight condition.

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
GERARD ORTIZ DBA RIVER OAKS
WATER SYSTEM
RN101189348

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-1287-PWS-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply at Clen Oak Parkway, Burnet County, Texas (the "Facility") that has approximately 99 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 30, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Nine Hundred Seven Dollars (\$3,907) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Twenty-Five Dollars (\$3,125) of the administrative penalty and Seven Hundred Eighty-One Dollars (\$781) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this

- Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide accurate testing equipment for monitoring the effectiveness of any chemical treatment process used by the system, in violation of 30 TEX. ADMIN. CODE § 290.46(s), as documented during an investigation conducted on June 4, 2008.
2. Failed to perform annual inspection of the system's ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on June 4, 2008.
3. Failed to perform annual inspection of the system's pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on June 4, 2008.
4. Failed to compile and maintain a complete and up-to-date operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on June 4, 2008.
5. Failed to develop and maintain a record of water works activities and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3), 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iii), 290.46(f)(3)(A)(iv), 290.46(f)(3)(A)(v), and 290.46(f)(3)(A)(vi), as documented during an investigation conducted on June 4, 2008.

6. Failed to plug abandoned public water supply wells with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to water well drillers and water pump installers), in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on June 4, 2008.
7. Failed to provide the pressure tank with facilities for maintaining the air-water-volume at the design water level and working pressure and failed to equip the air injection line with filters or other devices to prevent compressor lubricants and other contaminants from entering the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during an investigation conducted on June 4, 2008.
8. Failed to provide an operational flow measuring device for the water system's well, located to facilitate daily reading to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N), as documented during an investigation conducted on June 4, 2008.
9. Failed to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on June 4, 2008.
10. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on June 4, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gerard Ortiz dba River Oaks Water System, Docket No. 2008-1287-PWS-E" to:

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

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

- a. Immediately after the effective date of this Agreed Order, provide accurate testing equipment for monitoring the effectiveness of any chemical treatment process used by the system, including but not limited to diethyl-p-phenylenediamine ("DPD") chlorine reagent packets that are not expired, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Perform annual inspection of the system's ground storage tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Perform annual inspection of the system's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Compile and maintain a complete and up-to-date operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iv. Begin operating the Facility under the direct supervision of a Class "D" or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - v. Develop and begin maintaining a record of operations for the water system, including but not limited to: a record of chemicals used each week, the volume of water treated each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent complaint investigation, the dates dead-end mains were flushed, the dates the storage tanks and other facilities were cleaned and the maintenance records for the water system facility and equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.
- d. Within 60 days after the effective date of this Agreed Order:
 - i. Provide the pressure tank with an operable air-water-volume indicator and equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - ii. Provide an operational flow measuring device for the water system's well, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to refurbishing the pressure tank to prevent further corrosion of its metal surfaces, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 120 days after the effective date of this Agreed Order, plug abandoned Well Nos. 2 and 3 with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or demonstrate that they are in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46.
- g. Within 135 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 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."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Gerard Ortiz dba River Oaks Water System
DOCKET NO. 2008-1287-PWS-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

This page faxed in.

For the Commission

John S. [Signature]
For the Executive Director

4/28/2009
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Gerard Ortiz
Signature

3-18-09
Date

Gerard Ortiz
Name (Printed or typed)
Authorized Representative of
Gerard Ortiz dba River Oaks Water System

owner
Title

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

