

**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**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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><b>SITES WHERE VIOLATIONS OCCURRED:</b> County Road 214, 3.3 miles north of Highway 29, north of Liberty Hill, Williamson County (San Gabriel Facility); Farm-to-Market Road 1431, 3.7 miles west of United States Highway 183, Travis County (Indian Springs Facility)</p> <p><b>TYPE OF OPERATION:</b> Public water systems</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> On March 19, 2010, the TCEQ affirmed an Emergency Order renewing the appointment of Aqua Texas as temporary manager of both facilities, effective through August 3, 2010 (2009-1017-UCR-E).</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired April 19, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villareal, Water Enforcement Section, MC R-14, (361) 825-3425</p> <p><b>TCEQ Regional Contact:</b> Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929</p> <p><b>Respondent:</b> Mr. Darryl Winstead, P.O. Box 728, Liberty Hill, Texas 78642-0278</p> <p><b>Respondent's Attorney:</b> Mr. Kerry Russell, Russell and Rodriguez, L.L.P., 1633 Williams Drive, Building 2, Suite 200, Georgetown, Texas 78628.</p>		

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

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> N/A</p> <p><b>Dates of Investigation Relating to this Case:</b> January 3, 2008; January 22, 2008; February 29, 2008</p> <p><b>Dates of NOEs Relating to this Case:</b> January 10, 2008 and February 29, 2008</p> <p><b>Background Facts:</b> The EDRP was filed on June 24, 2008. The Respondent failed to answer and the matter was scheduled for default on the March 25, 2009, Commission Agenda. On March 24, 2009, the Respondent requested a continuance and the matter was remanded to the Executive Director. The Respondent voluntarily abandoned the Facilities, and on September 23, 2009, the Commission appointed Aqua Texas as temporary manager. On December 2, 2009, Aqua Texas entered into a Compliance Agreement with the Executive Director, agreeing to address the technical requirements and other deficiencies at each Facility. On March 10, 2010, the Commission issued an order affirming the appointment and extending it through August 3, 2010.</p> <p><b>PWS:</b>  <u><b>San Gabriel Facility:</b></u></p> <ol style="list-style-type: none"> <li>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 [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</li> <li>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 [30 TEX. ADMIN. CODE § 290.110(e)(4)].</li> <li>Failed to conduct an annual inspection of the ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</li> </ol>	<p><b>Total Assessed:</b> \$2,375</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$175/\$2,200</p> <p>The Respondent paid \$175 of the administrative penalty. The remaining amount of \$2,200 of the administrative penalty shall be paid within 30 days of the effective date of this Agreed Order.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that as of September 23, 2009, Aqua Texas has been appointed temporary manager of the facilities and has undertaken the following corrective measures:</p> <ol style="list-style-type: none"> <li>At the San Gabriel Facility: <ol style="list-style-type: none"> <li>Purchased and installed a new pump; and</li> <li>Began compiling and maintaining an up-to-date chemical and microbiological monitoring plan.</li> </ol> </li> <li>At the Indian Springs Facility, began compiling and maintaining an up-to-date chemical and microbiological monitoring plan.</li> </ol> <p>Aqua Texas has entered into a Compliance Agreement with the ED to perform the following corrective actions:</p> <ol style="list-style-type: none"> <li>At the San Gabriel Facility: <ol style="list-style-type: none"> <li>Prepare and begin submitting DLQORs to the Commission;</li> <li>Begin conducting annual inspections of the ground storage tank and maintaining inspection records;</li> <li>Begin conducting annual inspections of the pressure tank and maintaining inspection records;</li> <li>Compile and maintain a plant operation manual for operator review and reference;</li> <li>Begin calibrating the two well meters once every three years and maintaining records;</li> <li>Obtain a sanitary control easement that covers the area within 150 feet for each well;</li> </ol> </li> </ol>

**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
<p>4. Failed to conduct an annual inspection of the pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>5. Failed to provide sanitary control easements that cover the land within 150 feet of the water system’s two wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>6. Failed to compile and maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>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 [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>8. Failed to provide a concrete sealing block that extends at least three feet in all directions from the well casing [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>9. Failed to meet the minimum well capacity requirement of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>10. Failed to calibrate the water system’s two well meters once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>11. Failed to pay all annual and past due Public Health Service fees for TCEQ Financial Account No. 92460046 for Fiscal Years 2001 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p> <p><b><u>Indian Springs Facility:</u></b></p> <p>12. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a).]</p> <p>13. Failed to pay all annual and past due Public Health Service fees for TCEQ Financial Account No. 92270210 for Fiscal Years 2001 through 2008 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p>		<p>g. Provide a concrete sealing block that extends at least three feet in all directions from the well casing for each well; and</p> <p>h. Provide two or more service pumps having a total storage capacity of 2.0 gpm per connection, and provide a well capacity of 0.6 gpm per connection.</p> <p>2. Replace the distribution lines at both Facilities within five years.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall:</p> <p>1. Within 60 days, submit payments for all outstanding fees as set forth below:</p> <ul style="list-style-type: none"> <li>a. Regulatory Assessment Fees - \$5,760.00;</li> <li>b. Water System Public Health Service Fees for Account No. 92460046 (San Gabriel Facility) - \$2,368.18; and</li> <li>c. Water System Public Health Service Fees for Account No. 92270210 (Indian Springs Facility) - \$1,601.76.</li> </ul> <p>2. Within 75 days submit written certification to demonstrate compliance with Ordering Provision No. 1.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

## TCEQ

<b>DATES</b>	<b>Assigned</b>	14-Jan-2008			
	<b>PCW</b>	23-Apr-2008	<b>Screening</b>	18-Jan-2008	<b>EPA Due</b>

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

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

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,350</b>
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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.

<b>Compliance History</b>	33% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$445</b>
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**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.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	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*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$1,433	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$7,957	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,795</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	25%	<b>Adjustment</b>	<b>\$450</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

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

<b>Final Penalty Amount</b>	<b>\$2,245</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,245</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$2,245</b>
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<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	35264			PCW Revision November 6, 2007
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action ( <i>number of NOV's meeting criteria</i> )	1	5%
	Other written NOV's	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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)** 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 NOV's, and one prior order that contains a denial of liability.

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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35264			<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$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
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**TOTAL**

\$7
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<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	35264	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			<b>Percent</b> <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
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**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35264	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	x		

>> Programmatic Matrix

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

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	x
single event	<input type="text"/>	

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **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**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
	single event	<input type="text"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> 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**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35264			<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	<b>Falsification</b>	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirement was not met."/>					

**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	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35264	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**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**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>		

>> Programmatic Matrix

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

**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**

Violation Events

	<input type="text" value="1"/>	<input type="text" value="15"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

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      Statutory Limit Test

**Estimated EB Amount**       **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$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**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

>> 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**

**Adjustment**

Violation Events

Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text" value="x"/>	

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	35264	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			<b>Percent</b> <input type="text" value="5%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$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

<b>Screening Date</b>	18-Jan-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba San Gabriel River Ranches		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	35264	<i>PCW Revision November 6, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101250306			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			<b>Percent</b> <input type="text" value="5%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

**Matrix Notes**

**Adjustment**

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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)	\$157	3-Jan-2005	3-Jan-2008	3.9	\$31	\$157	\$188

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 \$157

**TOTAL** \$188

**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**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

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

>> 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**

**Adjustment**

Violation Events

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Mar-2008			
	<b>PCW</b>	23-Apr-2008	<b>Screening</b>	3-Mar-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Darryl Winstead dba Indian Springs Subdivision				
<b>Reg. Ent. Ref. No.</b>	RN100825082				
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor		

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

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$100
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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.

<b>Compliance History</b>	30% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$30
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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.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	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*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$15	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$500		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$130
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$130

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$130
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$130
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<b>Screening Date</b> 3-Mar-2008	<b>Docket No.</b> 2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b> Darryl Winstead dba Indian Springs Subdivision		Policy Revision 2 (September 2002)
<b>Case ID No.</b> 35264		PCW Revision January 29, 2008
<b>Reg. Ent. Reference No.</b> RN100825082		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> 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 ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
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)**

<span style="border: 1px solid black; padding: 2px;">N/A</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">N/A</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	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.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

<b>Screening Date</b>	3-Mar-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba Indian Springs Subdivision	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35264	<i>PCW Revision January 29, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN100825082			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$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

<b>Screening Date</b>	3-Mar-2008	<b>Docket No.</b>	2008-0136-PWS-E	<b>PCW</b>
<b>Respondent</b>	Darryl Winstead dba Indian Springs Subdivision		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	35264	<i>PCW Revision January 29, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN100825082			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

**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	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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,  
 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)                              |          |                          |
| 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

# 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:	<u>Epi Villarreal</u>	Phone:	<u>(210) 403-4033</u>

## 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	§	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	§	
<b>CONCERNING DARRYL</b>	§	
<b>WINSTEAD dba SAN GABRIEL</b>	§	<b>TEXAS COMMISSION ON</b>
<b>RIVER RANCHES AND dba</b>	§	
<b>INDIAN SPRINGS SUBDIVISION;</b>	§	
<b>RN101250306 AND RN100825082</b>	§	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2008-0136-PWS-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision (“Darryl Winstead”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, represented by the Litigation Division, and Darryl Winstead, represented by Mr. Kerry Russell of the law firm Russell and Rodriguez, L.L.P., appear before the Commission and together stipulate that:

1. Darryl Winstead owns and operated two public water systems at the following locations (collectively the “Facilities”):
  - 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”). The San Gabriel Facility provides water for human consumption, has 205 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the San Gabriel Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
  - 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”). The Indian Springs Facility provides water for human consumption, has 51 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Indian Springs Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it

alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5 and TCEQ rules.

3. The Commission and Darryl Winstead agree that the Commission has jurisdiction to enter this Agreed Order, and that Darryl Winstead is subject to the Commission's jurisdiction.
4. Darryl Winstead received notice of the violations alleged in Section II (“Allegations”) on or about January 15, 2008 and March 5, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Darryl Winstead of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand three hundred seventy-five dollars (\$2,375.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Darryl Winstead paid one hundred seventy-five dollars (\$175.00) of the administrative penalty. The remaining amount of two thousand two hundred dollars (\$2,200.00) shall be paid within 30 days after the effective date of this Agreed Order. If Darryl Winstead fails to timely and satisfactorily comply with the payment requirements of this Agreed Order. In addition, Darryl Winstead’s failure to meet the payment schedule constitutes the failure by Darryl Winstead to timely and satisfactorily comply with all the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Darryl Winstead agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Darryl Winstead voluntarily abandoned the Facilities and that on September 23, 2009, the Commission approved Aqua Texas, Inc. (“Aqua Texas”) to serve as Temporary Manager of the San Gabriel Facility and Indian Springs Facility. As a result of this appointment, Darryl Winstead no longer operates these Facilities. Accordingly, the Executive Director acknowledges that Aqua Texas:
  - a. Purchased and installed a new pump at the San Gabriel Facility;
  - b. Began 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; and

- c. Began compiling and maintaining an up-to-date chemical and microbiological monitoring plan for the Indian Springs Facility, in accordance with 30 TEX. ADMIN. CODE § 290.121.
10. The Executive Director further recognizes and acknowledges that on December 2, 2009, Aqua Texas has entered into a Compliance Agreement with the Executive Director and under the terms of the Compliance Agreement Aqua Texas has agreed to address the outstanding technical requirements of this enforcement action, and other stated deficiencies of the Facilities.
11. 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 Darryl Winstead has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

1. During a record review conducted on January 3, 2008, at the San Gabriel Facility, a TCEQ Austin Regional Office investigator documented that Darryl Winstead violated:
  - a. 30 TEX. ADMIN. CODE § 290.121(a) and (b) by failing 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. 30 TEX. ADMIN. CODE § 290.110(e)(4) by failing 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. 30 TEX. ADMIN. CODE § 290.46(m)(1)(A) by failing to conduct an annual inspection of the water system’s ground storage tank;
  - d. 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) by failing to conduct an annual inspection of the water system’s pressure tank;

- e. 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) by failing to provide sanitary control easements that cover the land within 150 feet of the water system's two wells;
  - f. 30 TEX. ADMIN. CODE § 290.42(1) by failing to compile and maintain a plant operations manual for operator review and reference;
  - g. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing 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 a 12% deficiency;
  - h. 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) by failing 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. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), by failing 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 provided, which is approximately a 7% deficiency; and
  - j. 30 TEX. ADMIN. CODE § 290.46(s)(1) by failing to calibrate the water system's two well meters once every three years.
2. During a record review conducted on January 22, 2008, at the San Gabriel Facility, a TCEQ San Antonio Regional Office investigator documented that Darryl Winstead violated TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) by failing to pay all annual and past due Public Health Service ("PHS") fees for TCEQ Financial Administration Account No. 92460046 for Fiscal Years 2001 through 2008.
  3. During a record review conducted on January 22, 2008, at the Indian Springs Facility, a TCEQ San Antonio Regional Office investigator documented that Darryl Winstead violated TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3) by failing to pay all annual and past due fees for TCEQ Financial Administration Account No. 92270210 for Fiscal Years 2001 through 2008.
  4. During a record review conducted on February 29, 2008, at the Indian Springs Facility, a TCEQ Austin Regional Office investigator documented that Darryl Winstead violated 30 TEX. ADMIN. CODE § 290.121(a) by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan.

### III. DENIALS

Darryl Winstead generally denies each allegation in Section II (“Allegations”).

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Darryl Winstead pay an administrative penalty as set forth in Paragraph 6 above. The payment of this administrative penalty and Darryl Winstead’s compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: 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. Darryl Winstead shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, Darryl Winstead shall:

Submit payment for all outstanding fees for TCEQ Financial Administration Account Nos. 92460046 and 92270210. Darryl Winstead shall pay the following amounts in fees to the TCEQ:

Regulatory Assessment Fees—\$5,760.00;  
Water System Public Health Service Fees (San Gabriel River Ranches)\$2,368.18; and  
Water System Public Health Service Fees (Indian Springs Subdivision) \$1,601.76.

The Payment shall be sent with the notation “Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs 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

- b. Within 75 days after the effective date of this Agreed Order, Darryl Winstead shall submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, 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."

Darryl Winstead shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

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

and

Carolyn Runyon, Water Section Manager  
Texas Commission on Environmental Quality  
Austin Regional Office  
2800 South IH 35, Suite 78711-5700

3. The provisions of this Agreed Order shall apply to and be binding upon Darryl Winstead. Darryl Winstead 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 Darryl Winstead shall be made in writing to the Executive Director. Extensions are not effective until Darryl Winstead 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 Darryl Winstead 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Darryl Winstead, or three days after the date on which the Commission mails notice of the Order to Darryl Winstead, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision  
Docket No. 2008-0136-PWS-E  
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

4/14/2010

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

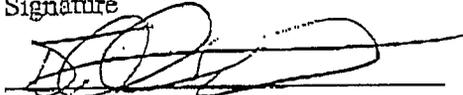
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

Darryl Winstead

Signature



\_\_\_\_\_  
Darryl Winstead

Authorized representative of  
Darryl Winstead dba San Gabriel River Ranches  
and dba Indian Springs Subdivision

December 21, 2009

\_\_\_\_\_  
Date

Owner