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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0020-PWS-E **TCEQ ID:** RN101217792 **CASE NO.:** 38934
RESPONDENT NAME: Henry M. Garza dba Cielo Azul Ranch

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: Cielo Azul Ranch, located on Ranch-to-Market Road 32, near Wimberly, Hays 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: A complaint was received on January 12, 2010, alleging that the drinking water from Cielo Azul Water System had been cut off since January 7, 2010, and a boil water notice was not issued. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 23, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Henry M. Garza, Owner, Cielo Azul Ranch, P.O. Box 1898, San Marcos, Texas 78667 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: January 12, 2010</p> <p>Date of Investigation Relating to this Case: December 8, 2009 and February 12, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 5, 2010 (NOE)</p> <p>Background Facts: This was a records review and a complaint investigation.</p> <p>WATER</p> <p>1) Failure to provide Facility records to Commission personnel at the time of the record review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii)].</p> <p>2) Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>3) Failure to 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 Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>4) Failure to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p>	<p>Total Assessed: \$2,096</p> <p>Total Deferred: \$419 <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: \$1,677</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On January 13, 2010, the Respondent provided documentation demonstrating that a boil water notice was issued and a copy was submitted to the TCEQ Austin Regional Office; and</p> <p>b. On January 23, 2010, the Respondent provided documentation demonstrating that a record keeping system was being maintained for the flow meter calibration records, the results of inspections for all water storage and pressure maintenance facilities.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining records of the amount of chemicals used each week, the volume of water treated each week, and the flushing of dead-end mains.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>ii. Ensure that the electrical wiring to the service pump on Dara Lane is securely installed in compliance with a local or national code; and</p> <p>iii. Repair or replace the exterior coating on the ground storage tank to ensure that the tank is being maintained in accordance with AWWA standards.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include supporting documentation, including a copy of the monitoring plan, to demonstrate compliance with Ordering Provisions a</p>

<p>5) Failure to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and appearance of its facilities and equipment and failure to maintain the service pump in good working condition [30 TEX. ADMIN. CODE § 290.46(m) and (m)(6)].</p> <p>6) Failure to maintain the exterior coating on the ground storage tanks in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)].</p> <p>7) Failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p>		<p>and b;</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and</p> <p>ii. Institute maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to the following: remove the brush growing around the Dara Lane pump enclosure, clean the floor of the pump house, and refurbish the service pump so that the pump is free of rust and corrosion.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation, including a copy of the adopted plumbing ordinance, regulations, or service agreement, to demonstrate compliance with Ordering Provision d.</p>
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Additional ID No(s): 1050034



Penalty Calculation Worksheet (PCW)

DATES	Assigned	8-Mar-2010	Screening	23-Mar-2010	EPA Due	
	PCW	24-Mar-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Henry M. Garza dba Cielo Azul Ranch
Reg. Ent. Ref. No.	RN101217792
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38934	No. of Violations	7
Docket No.	2010-0020-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Henry
		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* **\$2,150**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 9.0% Enhancement *Subtotals 2, 3, & 7* **\$193**

Notes: Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are the same as or similar to the violations in the current enforcement action, and two NOV's that contain violations that are dissimilar to the violations in the current enforcement action.

Culpability No 0.0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$312**

Economic Benefit 0.0% Enhancement* *Subtotal 6* **\$0**

Total EB Amounts \$475
 Approx. Cost of Compliance \$8,615
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$2,031**

OTHER FACTORS AS JUSTICE MAY REQUIRE 3.2% *Adjustment* **\$65**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance associated with Violation No. 4.

Final Penalty Amount **\$2,096**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$2,096**

DEFERRAL 20.0% Reduction *Adjustment* **-\$419**

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 **\$1,677**

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

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>	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were 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) 9%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement is due to one Notice of Violation ("NOV") that contains violations that are the same as or similar to the violations in the current enforcement action, and two NOVs that contain violations that are dissimilar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii)

Violation Description

Failed to provide Facility records to Commission personnel at time of the record review. Specifically, at the time of the record review, it was documented that the following documents were not available for review: a record of the amount of chemicals used each week, a record of the volume of water treated each week, a record of the dates that dead-end mains were flushed, the calibration records for the well's flow meter, and the results of inspections for all water storage and pressure maintenance facilities.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		5%

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 21

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

Violation Base Penalty \$50

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$56

This violation Final Assessed Penalty (adjusted for limits) \$56

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	7-Feb-2008	23-Jan-2010	1.96	\$0	\$7	\$7
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	7-Feb-2008	15-Sep-2010	2.61	\$26	n/a	\$26
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 other delayed costs include the estimated amount to compile and begin maintaining a record keeping system for the flow meter calibration records and the results of tank inspections, calculated from the date of the initial investigation documenting the violation to the date of compliance. The record keeping system delayed cost includes the estimated amount to compile and begin maintaining a record keeping system for the amount of chemicals used each week, the volume of water treated each week, and dates that dead-end mains were flushed, calculated from the date of the investigation in which the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$33

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 2

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

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the record review, the Respondent could not provide a service agreement or plumbing ordinance that had been adopted for the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 21

mark only one with an x	daily	
	weekly	
	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 \$19

Violation Final Penalty Total \$112

This violation Final Assessed Penalty (adjusted for limits) \$112

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	7-Feb-2008	15-Oct-2010	2.69	\$1	\$18	\$19
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the date when the violation was initially documented to estimated the 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

\$19

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 3

Rule Cite(s)

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

Violation Description

Failed to 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 Facility will use to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

21 Number of violation days

mark only one with an x

daily	
weekly	
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 \$36

Violation Final Penalty Total \$112

This violation Final Assessed Penalty (adjusted for limits) \$112

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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
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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	\$200	7-Feb-2008	15-Sep-2010	2.61	\$2	\$35	\$36
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to develop and create a chemical and microbiological monitoring plan. The date required is the date when the violation was initially documented. 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

\$36

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(q)(1)

Violation Description

Failed to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, at the time of the investigation, it was documented that the Respondent did not issue a boil water notice within 24 hours of a water outage that occurred from January 7, 2010, through January 12, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Failure to issue a boil water notice may not allow the public to take appropriate measures to prevent exposure to a significant amount of contaminants that would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 5 Number of violation days 5

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

Violation Base Penalty \$1,250

Five single events are recommended (one event for each day a boil water notice was required).

Good Faith Efforts to Comply

25.0% Reduction

\$312

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

The Respondent achieved compliance with this violation on January 13, 2010.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$65

Violation Final Penalty Total \$1,084

This violation Final Assessed Penalty (adjusted for limits) \$1,084

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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
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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)				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)

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]	\$65	8-Jan-2010	13-Jan-2010	0.00	\$0	\$65	\$65
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to provide a boil water notice. The date required is 24 hours after the initial water outage. The final date is the date a boil water notice was issued. (The costs include \$00.50 cents representing the cost of a stamp and administrative costs to issue the notice; 26 connections X .50= \$13 per day X 5 days=\$65 total)

Approx. Cost of Compliance

\$65

TOTAL

\$65

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m) and (m)(6)

Violation Description

Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and appearance of its facilities and equipment and failed to maintain the service pump in good working condition. Specifically, at the time of the investigation, it was documented that there were tall weeds and brush growing around the Dara Lane pump station enclosure and the pump house floor was covered with dirt. Additionally, the service pump appeared to be rusted and corroded.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to initiate good housekeeping practices could result in customers of the Facility being exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

39 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$56

This violation Final Assessed Penalty (adjusted for limits) \$56

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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)	\$1,000	12-Feb-2010	15-Oct-2010	0.67	\$34	n/a	\$34

Notes for DELAYED costs

The delayed costs include the estimated amount to remove the weeds and brush growing around the pump station enclosure, clean the pump house floor, and refurbish the service pump to a condition that is not rusted or corroded, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$34

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

V6 6

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(8)

Violation Description

Failed to maintain the exterior coating on the ground storage tank in accordance with American Water Works Association standards. Specifically, at the time of the investigation, it was documented that the paint on the ground storage tank was peeling.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the exterior coating of the pressure tank may compromise the integrity of the tank and could allow for the introduction of significant amounts of contaminants to the Facility which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

39 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended calculated from the date of the investigation, February 12, 2010, to the date of screening, March 23, 2010.

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 \$206

Violation Final Penalty Total \$112

This violation Final Assessed Penalty (adjusted for limits) \$112

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch

Case ID No. 38934

Reg. Ent. Reference No. RN101217792

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	12-Feb-2010	15-Sep-2010	0.59	\$10	\$196	\$206
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repaint the exterior of the ground storage tank to ensure that it is free of rust. Calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$206

Screening Date 23-Mar-2010

Docket No. 2010-0020-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(v)

Violation Description

Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring to the service pump located on Dara Lane was loose and unprotected.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to install all Facility electrical wiring in compliance with a local or national code may cause equipment failure resulting in low pressure and/or water outages which would result in exposure of customers of the Facility to a significant amount of pollutants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

39 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, February 12, 2010, to the date of screening, March 23, 2010.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$562

This violation Final Assessed Penalty (adjusted for limits) \$562

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	12-Feb-2010	15-Sep-2010	0.59	\$4	\$79	\$82
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 ensure all the Facility's wiring is installed in accordance with local and national codes. 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

\$2,000

TOTAL

\$82

Compliance History Report

Customer/Respondent/Owner-Operator: CN600659882 GARZA, HENRY M Classification: AVERAGE Rating: 3.01
Regulated Entity: RN101217792 CIELO AZUL RANCH Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1050034
WATER LICENSING LICENSE 1050034
EDWARDS AQUIFER REGISTRATION 11-04041401
Location: Ranch-to-Market Road 32, near Wimberley, Hayes County, Texas
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: July 29, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 29, 2005 to July 29, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Amanda Henry Phone: (713) 767-3672

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 02/19/2008 | (617778) |
| 2 | 11/03/2009 | (802150) |
| 3 | 12/08/2009 | (784946) |
| 4 | 05/07/2010 | (801005) |
| 5 | 06/14/2010 | (824283) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|-----------------------|
| Date: | 02/20/2008 | (617778) | CN600659882 |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) | | |
| Description: | Failure to properly seal the wellhead to prevent the possibility of contaminating the well water. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) | | |
| Description: | Failure to maintain an intruder-resistant fence around the well site. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III) | | |
| Description: | Failure to provide records for the amount of chemicals used each week. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III) | | |
| Description: | Failure to provide records for the amount of water treated each week. | | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(i) | | |

Description: Failure to provide a record of service agreement or plumbing ordinance for the water system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to provide records of dead-end mains flushing.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to provide annual tank inspections for each of the system's ground, elevated, and pressure tanks.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to provide records of well meter calibration.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan for the water system.

Date: 01/14/2009 (801005) CN600659882

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2007 CCR year to the TCEQ.

Date: 11/03/2009 (802150) CN600659882

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)

Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.

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
HENRY M. GARZA DBA CIELO
AZUL RANCH
RN101217792**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0020-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 Henry M. Garza dba Cielo Azul Ranch ("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 on Ranch-to-Market Road 32 near Wimberley, Hays County, Texas (the "Facility") that has approximately 26 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 March 10, 2010.
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 Two Thousand Ninety-Six Dollars (\$2,096) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Seventy-Seven Dollars (\$1,677) of the administrative penalty and Four Hundred Nineteen Dollars (\$419) 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 has agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On January 13, 2010, the Respondent provided documentation demonstrating that a boil water notice was issued and a copy was submitted to the TCEQ Austin Regional Office; and
 - b. On January 23, 2010, the Respondent provided documentation demonstrating that a record keeping system was being maintained for the flow meter calibration records and the results of inspections for all water storage and pressure maintenance facilities.
9. 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.
10. 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.
11. 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 Facility records to Commission personnel at the time of the record review, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iv), (f)(3)(B)(v), and (f)(3)(D)(ii), as documented during a record review conducted on December 8, 2009.
2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during a record review conducted on December 8, 2009.

3. Failed to 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 Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during a record review conducted on December 8, 2009.
4. Failed to issue a boil water notification within 24 hours of a water outage using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on February 12, 2010.
5. Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and appearance of its facilities and equipment and failed to maintain the service pump in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m) and (m)(6), as documented during an investigation conducted on February 12, 2010.
6. Failed to maintain the exterior coating on the ground storage tanks in accordance with American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c), as documented during an investigation conducted on February 12, 2010.
7. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on February 12, 2010.

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: Henry M. Garza dba Cielo Azul Ranch, Docket No. 2010-0020-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 upon the effective date of this Agreed Order, begin maintaining records of the amount of chemicals used each week, the volume of water treated each week, and the flushing of dead-end mains, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
 - ii. Ensure that the electrical wiring to the service pump on Dara Lane is securely installed in compliance with a local or national code, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Repair or replace the exterior coating on the ground storage tank to ensure that the tank is being maintained in accordance with AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.e below, and include supporting documentation, including a copy of the monitoring plan, to demonstrate compliance with Ordering Provisions 2.a and 2.b;
- d. Within 60 days after the effective date of this Agreed Order:
 - i. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Institute maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to the following: remove the brush growing around the Dara Lane pump enclosure, clean the floor of the pump house, and refurbish the service pump so that the pump is free of rust and corrosion, 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 below, and include detailed supporting documentation, including a copy of the adopted plumbing ordinance, regulations, or service agreement, to demonstrate compliance with Ordering Provision 2.d. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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 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 under this Agreed Order.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Siddle

For the Executive Director

12/6/2010

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.

Henry M Garza

Signature

11-7-10

Date

HENRY M GARZA

Name (Printed or typed)
Authorized Representative of
Henry M. Garza dba Cielo Azul Ranch

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.