Executive Summary – Enforcement Matter – Case No. 42202
Curtis White d/b/a El Pinon Estates Water System
RN102675303
Docket No. 2011-1333-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
five miles south of Highway 83 on Farm-to-Market Road 705, Broaddus, San Augustine County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	$406.35
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: December 30, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: $2,077

Total Paid to General Revenue: $0

Total Due to General Revenue: $2,077

Compliance History Classifications:
Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 18, 2011

Date(s) of NOV(s): See Compliance History – 12 related NOVs

Date(s) of NOE(s): July 22, 2011

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for total trihalomethanes ("TTHM") based on the running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to submit a disinfectant level quarterly operating report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
3. Failed to provide results of annual nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to provide the results of triennial sampling for metals, minerals, volatile organic contaminants and radionuclide levels to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.108(e)].
5. Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Within 30 days:
   a. Update the Facility's operational guidance and conduct employee training to ensure that self-reported requirements are properly accomplished, including the timely submittal of signed and certified DLQORs;
   b. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
   c. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or upon receipt by the Facility, whichever is later; and
   d. Submit payment for all outstanding fees, interest and late penalties for TCEQ Financial Administration Account Number 92030013.
2. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant monitoring.
3. Within 365 days, return to compliance with the running annual average MCL for TTHM.

4. Submit written certification to demonstrate compliance:
   a. Within 45 days for Technical Requirement No. 1;
   b. Within 105 days for Technical Requirement No. 2; and
   c. Within 380 days for Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: October 13, 2011

Date(s) Green Card(s) Signed: November 9, 2011

Date(s) Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Sharesa Y. Alexander, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
James Murphy, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Katy Schumann**,** Water Enforcement Section, (512) 239-2602

TCEQ Regional Contact: Robert Hebert, Beaumont Regional Office, (409) 898-3838

Respondent: Curtis White, RR 1 BOX 121, Broaddus, Texas 75929

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	25-Jul-2011				
PCW	1-Aug-2011	Screening	1-Aug-2011	EPA Due	30-Apr-2011

RESPONDENT/FACILITY INFORMATION

Respondent	Curtis White dba El Pinon Estates Water System		
Reg. Ent. Ref. No.	RN102675303		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	42202	No. of Violations	5
Docket No.	2011-1333-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Schumann
		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$1,050**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **91.0%** Enhancement *Subtotals 2, 3, & 7* **$955**

Notes: Enhancement for 12 NOVs with same/similar violations, three NOVs with dissimilar violations and one final agreed order without a denial of liability.

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* **$0**

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

Total EB Amounts	$635
Approx. Cost of Compliance	$6,713

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$2,005**

OTHER FACTORS AS JUSTICE MAY REQUIRE **3.6%** *Adjustment* **$72**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to recover the avoided cost of compliance for Violation No. 2.

Final Penalty Amount **$2,077**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$2,077**

DEFERRAL **0.0%** Reduction *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$2,077**

Screening Date	1-Aug-2011	**Docket No.**	2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System			*Policy Revision 2 (September 2002)*
Case ID No.	42202			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Katy Schumann			

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	12	60%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 91%

>> 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

Enhancement for 12 NOVs with same/similar violations, three NOVs with dissimilar violations and one final agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 91%

Screening Date	1-Aug-2011	**Docket No.**	2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System			*Policy Revision 2 (September 2002)*
Case ID No.	42202			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Katy Schumann			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.123 mg/L for the fourth quarter of 2010.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Customers of the Facility have been exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events: 1 — 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $250

Economic Benefit (EB) for this violation

Estimated EB Amount $437

Statutory Limit Test

Violation Final Penalty Total $495

This violation Final Assessed Penalty (adjusted for limits) $495

Economic Benefit Worksheet

Respondent Curtis White dba El Pinon Estates Water System
Case ID No. 42202
Reg. Ent. Reference No. RN102675303
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$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)	$5,000	1-Oct-2010	30-Jun-2012	1.75	$437	n/a	$437

Notes for DELAYED costs: The delayed cost includes the estimated amount for the Facility to implement an alternative form of disinfection, calculated from the first quarter of noncompliance 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 $437

Screening Date	1-Aug-2011	**Docket No.** 2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System		*Policy Revision 2 (September 2002)*
Case ID No.	42202		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Katy Schumann		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the third and fourth quarters of 2010 and the first quarter of 2011.

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: 3

183 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $300

Three quarterly events are recommended, calculated for the time period in which the reports were not submitted.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $300

Economic Benefit (EB) for this violation

Estimated EB Amount $75

Statutory Limit Test

Violation Final Penalty Total $594

This violation Final Assessed Penalty (adjusted for limits) $594

Economic Benefit Worksheet

Respondent Curtis White dba El Pinon Estates Water System
Case ID No. 42202
Reg. Ent. Reference No. RN102675303
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$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	$45	18-Jul-2011	1-Mar-2012	0.62	$1	n/a	$1
Training/Sampling	$100	18-Jul-2011	1-Mar-2012	0.62	$3	n/a	$3
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 estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs. Date required is the record review date and 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]	$68	10-Oct-2011	1-Mar-2012	1.31	$4	$68	$72
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost is the estimated amount to submit the DLQORs ($22.50 per report). Date required is the date the first report was due and the final date is the estimated date of compliance.						

Approx. Cost of Compliance $213

TOTAL $75

Screening Date	1-Aug-2011	**Docket No.** 2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System		*Policy Revision 2 (September 2002)*
Case ID No.	42202		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Katy Schumann		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description Failed to provide the results of annual nitrate sampling to the TCEQ's Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for 2010.

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

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $100

One annual event is recommended for the time period in which sample results were not provided to the Commission.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $100

Economic Benefit (EB) for this violation

Estimated EB Amount $123

Statutory Limit Test

Violation Final Penalty Total $198

This violation Final Assessed Penalty (adjusted for limits) $198

Economic Benefit Worksheet

Respondent Curtis White dba El Pinon Estates Water System
Case ID No. 42202
Reg. Ent. Reference No. RN102675303
Media Public Water Supply
Violation No. 3

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
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$1,500	31-Dec-2010	1-Mar-2012	1.17	$6	$117	$123
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to pay any outstanding lab fees so that the lab will release sampling results and the Respondent can provide them to the TCEQ. The date required is the first year in which the monitoring results were not provided and 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 $1,500

TOTAL $123

Screening Date	1-Aug-2011	**Docket No.** 2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System		*Policy Revision 2 (September 2002)*
Case ID No.	42202		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Katy Schumann		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e), 290.107(e) and 290.108(e)

Violation Description Failed to provide the results of triennial sampling for metals, minerals, volatile organic contaminants and radionuclide levels to the TCEQ's Executive Director. Specifically, the Respondent failed to provide inorganic contaminant, volatile organic contaminants and radionuclide monitoring results for the sampling period from January 1, 2008 through December 31, 2010.

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: 4 — 1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $400

Four single events are recommended for the sampling results not provided to the Commission.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $400

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $791

This violation Final Assessed Penalty (adjusted for limits) $791

Economic Benefit Worksheet

Respondent Curtis White dba El Pinon Estates Water System
Case ID No. 42202
Reg. Ent. Reference No. RN102675303
Media Public Water Supply
Violation No. 4

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
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	The delayed costs are captured in the economic benefit worksheet associated with Violation No. 3.						
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 $0

TOTAL $0

Screening Date	1-Aug-2011	**Docket No.** 2011-1333-PWS-E	**PCW**
Respondent	Curtis White dba El Pinon Estates Water System		*Policy Revision 2 (September 2002)*
Case ID No.	42202		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN102675303		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Katy Schumann		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Violation Description Failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

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

Percent 0%

Matrix Notes

Adjustment $1,000

$0

Violation Events

Number of Violation Events ____ ____ Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

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

Good Faith Efforts to Comply

0.0% Reduction $0

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

Notes

Violation Subtotal $0

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

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

Economic Benefit Worksheet

Respondent Curtis White dba El Pinon Estates Water System
Case ID No. 42202
Reg. Ent. Reference No. RN102675303
Media Public Water Supply
Violation No. 5

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
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	N/A						
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	N/A						

Approx. Cost of Compliance $0

TOTAL $0

Compliance History

Customer/Respondent/Owner-Operator:	CN602209660	WHITE, CURTIS	Classification:	Rating:
Regulated Entity:	RN102675303	EL PINON ESTATES WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2030013
	WATER LICENSING	LICENSE		2030013

Location: FIVE MILES SOUTH OF HIGHWAY 83 ON FARM TO MARKET ROAD 705, BROADDUS, SAN AUGUSTINE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 01, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 01, 2006 to August 01, 2011

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

Name: Katy Schumann Phone: (512) 239-2602

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

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 09/21/2009 ADMINORDER 2009-0439-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

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 11/02/2007 (534405)

2 08/05/2008 (735845)

3 09/15/2008 (736010)

4 12/18/2008 (736021)

5 12/05/2008 (736027)

6 03/03/2009 (736825)

7 06/08/2010 (800235)

8 07/20/2011 (942291)

9 05/11/2010 (942346)

10 05/11/2010 (942353)

11 07/20/2011 (942364)

12 05/11/2010 (942370)

13 07/20/2011 (942395)

14 07/20/2011 (942406)

15 06/16/2011 (942417)

16 06/16/2011 (942428)

17 07/22/2011 (942822)

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

Date: 08/05/2008 (735845)CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 09/15/2008 (736010) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Date: 12/05/2008 (736027) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Date: 12/18/2008 (736021) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.

Date: 08/05/2009 (760439) CN602209660

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.104(f)(2)
Description: Failure to maintain a chlorine residual of 0.2 milligrams per liter (mg/L) at all times.

Date: 05/11/2010 (942346) CN602209660

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: This system failed to monitor and/or failed to report volatile organic contaminants levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 05/11/2010 (942370) CN602209660

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 05/11/2010 (942353) CN602209660

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report mineral levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 06/08/2010 (800235) CN602209660

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to have fence at the water plant #2.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to provide annual tank inspections for all eight pressure tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(9)
Description: Failure to obtain approval for having more than 3 pressure tanks at one location.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Description: Failure to have sanitary control easement records for well numbers 1 and 2 available for review.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
Description: Failure to notify the TCEQ of the discontinued use of polyphosphate treatment.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failure to provide a flow measuring device for well No. 2 immediately after the well and before any appertunances.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to have wiring in conduit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to have well No. 1 in operation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
Description: Failure to provide records of customer complaints for review.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)
Description: Failure to provide a pressure tank capacity of 50 gallons per connection.

Date: 06/16/2011 (942417) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Date: 06/16/2011 (942428) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Date: 07/20/2011 (942364) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report metal levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 07/20/2011 (942291) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.

Date: 07/20/2011 (942406) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Date: 07/20/2011 (942395) CN602209660

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

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 CURTIS WHITE D/B/A EL PINON ESTATES WATER SYSTEM; RN102675303	**§ § § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1333-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Curtis White d/b/a El Pinon Estates Water System ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at five miles south of Highway 83 on Farm-to-Market Road 705 in Broaddus, San Augustine County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 34 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).

2. During a record review conducted on July 18, 2011, a TCEQ Central Office investigator documented that Respondent:

   a. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the running annual average. Specifically, the running annual average concentration for TTHM was 0.123 mg/L for the fourth quarter of 2010;

   b. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent did not submit DLQORs for the third and fourth quarters of 2010 and the first quarter of 2011;

   c. Failed to provide the results of annual nitrate sampling to the Executive Director. Specifically, Respondent failed to provide nitrate monitoring results for 2010; and

d. Failed to provide the results of triennial sampling for metals, minerals, volatile organic contaminants and radionuclide levels to the Executive Director. Specifically, Respondent failed to provide inorganic contaminant, volatile organic contaminants and radionuclide monitoring results for the sampling period from January 1, 2008 through December 31, 2010.

3. During an overdue fee investigation conducted on August 1, 2011, a TCEQ Enforcement Coordinator documented that Respondent failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011.

4. Respondent received notice of the violations alleged in Finding of Fact No. 2 on or about July 27, 2011.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Curtis White d/b/a El Pinon Estates Water System" (the "EDPRP") in the TCEQ Chief Clerk's office on October 13, 2011.

6. By letter dated October 13, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on November 9, 2011, as evidenced by the signature on the card.

7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2.a., Respondent failed to comply with the MCL of 0.080 mg/L for TTHM based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of annual nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of triennial sampling for metals, minerals, volatile organic contaminants and radionuclide levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.108(e).

6. As evidenced by Finding of Fact No. 3, Respondent failed to pay Public Health Service fees for TCEQ Financial Administration Account No. 92030013 for Fiscal Year 2011, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.

7. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).

8. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

10. An administrative penalty in the amount of two thousand seventy-seven dollars ($2,077.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.

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

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of two thousand seventy-seven dollars ($2,077.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Curtis White d/b/a El Pinon Estates Water System; Docket No. 2011-1333-PWS-E" to:

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

3. Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Order, Respondent shall:

      i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;

      ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director, or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (inorganic contaminants), 290.107 (volatile organic contaminants), and 290.108 (radionuclide contaminants);

      iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or upon receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107 and 290.108; and

      iv. Submit payment for all outstanding fees, interest and late penalties for TCEQ Financial Administration Account No. 92030013, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall be sent with the notation: "El Pinon Estates Water System, Account Number 92030013" to:

         Financial Administration Division, Revenues Section
         Attention: Cashier's Office, MC 214
         Texas Commission on Environmental Quality
         P.O. Box 13087
         Austin, Texas 78711-3087

   b. Within 45 days after the effective date of this Order, Respondent shall submit written certification as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.a.

   c. Within 90 days after the effective date of this Order, Respondent shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant monitoring. DLQORs shall be submitted to:

         DLQOR Coordinator
         Water Supply Division, MC 155
         Texas Commission on Environmental Quality
         P.O. Box 13087
         Austin, Texas 78711-3087

d. Within 105 days after the effective date this Order, Respondent shall, submit certification as described in Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.c.

e. Within 365 days after the effective date of this Order, Respondent shall return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.

f. Within 380 days after the effective date this Order, Respondent shall, submit written certification as described in Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.e.

g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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."

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Robert Hebert, Water Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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

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

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written

and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

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

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

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

AFFIDAVIT OF SHARESA Y. ALEXANDER

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Curtis White d/b/a El Pinon Estates Water System" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 13, 2011.

The EDPRP was mailed to Respondent's last known address on October 13, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on November 9, 2011, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Sharesa Y. Alexander

Sharesa Y. Alexander, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 9th day of December, A.D. 2011.

Margaret Jackson

Notary Signature

NOTARY PUBLIC STATE OF TEXAS
MARGARET T JACKSON
NOTARY PUBLIC
State of Texas
Comm. Exp. 12-21-2013