

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 41982
Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
RN101227916
Docket No. 2011-1099-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
County Road 1195 South, west of Texas State Highway 349, Midland, Midland County

Type of Operation:
Public water system

Other Significant Matters:
Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$1,537.11 (Acct. No. 91650084)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: April 13, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,938

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,938

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: June 20, 2011
Date(s) of NOV(s): See Compliance History – 12 related NOV's
Date(s) of NOE(s): June 24, 2011

Violation Information

1. Failed to report the results of annual nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
2. Failed to report the results of triennial sampling for Stage 1 disinfectant by-product levels, mineral levels, metal levels, synthetic and volatile organic contaminant levels, and radionuclide levels to the Executive Director [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), 290.108(e) and 290.113(e)].
3. 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)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year, a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data [TEX. ADMIN. CODE §§ 290.271(b), and 290.274(a) and (c)].
5. Failed to pay all annual Public Health Service ("PHS") fees, including associated late fees and penalties, for TCEQ Financial Administration Account No. 91650084 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Within 30 days:
 - a. Mail or directly deliver one copy of the 2009 CCR to each bill paying customer and make a good faith effort to deliver a copy of the CCR to non-bill paying customers;
 - b. 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; and
 - c. Submit payment for all outstanding fees, interest, and penalties, including any associated late fees and interest, for TCEQ Financial Administration Account No. 91650084.
2. Within 60 days:
 - a. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director, or demonstrate that a compliance schedule has been established; and
 - b. Submit to the Executive Director copies of the CCRs provided to customers for the year 2010 and the certification that the CCRs have been distributed to the customers, and that the information in the CCRs is correct and consistent with the compliance monitoring data.

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3. 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 reporting.
4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1;
 - b. Within 75 days for Technical Requirement No. 2; and
 - c. Within 105 days for Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: January 27, 2012
Date(s) Green Card(s) Signed: January 30, 2012
Date(s) Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Bridgett Lee, Water Enforcement Section, (512) 239-2565

TCEQ Regional Contact: Jared H. Basurto, Midland Regional Office, (432) 570-1359

Respondent: Ramon Gonzales, Jr., 1719 East Pecan Ave, Midland, Texas 79705;
P.O. Box 2072, Midland, Texas, 79702

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	27-Jun-2011	Screening	29-Jun-2011	EPA Due	30-Mar-2007
	PCW	30-Jun-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Reg. Ent. Ref. No.	RN101227916
Facility/Site Region	7-Midland
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	41982	No. of Violations	5
Docket No.	2011-1099-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Bridgett Lee
		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	\$2,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	66.0% Enhancement	Subtotals 2, 3, & 7	\$1,452
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Notes: Enhancement for 12 NOVs with same/similar violations and three NOVs with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$834
 Approx. Cost of Compliance: \$1,901
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,652
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OTHER FACTORS AS JUSTICE MAY REQUIRE	7.8%	Adjustment	\$286
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided costs of compliance associated with violation nos. 3 and 4.

Final Penalty Amount	\$3,938
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,938
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$3,938
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Screening Date 29-Jun-2011

Docket No. 2011-1099-PWS-E

PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivi:

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

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 (<i>number of NOVs meeting criteria</i>)	12	60%
	Other written NOVs	3	6%
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) 66%

>> 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 and three NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 29-Jun-2011

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PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Su

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 1

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

Violation Description Failed to report the results of annual nitrate sampling to the Executive Director. Specifically, the Respondent failed to provide nitrate monitoring results for the 2006, 2007, 2008, 2009, and 2010 reporting periods.

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	Major	Moderate	Minor	Percent

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 5 1461 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$500

Five annual events are 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$542

Violation Final Penalty Total \$895

This violation Final Assessed Penalty (adjusted for limits) \$895

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 41982
Req. Ent. Reference No. RN101227916
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	31-Dec-2006	28-Feb-2012	5.16	\$26	\$516	\$542
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 laboratory fees so that the lab will release the sampling results to the TCEQ. The date required is the first year in which the nitrate 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

\$542

Screening Date 29-Jun-2011

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PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Sup

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.106(e), 290.107(e), 290.108(e), and 290.113(e)

Violation Description

Failed to report the results of triennial sampling for Stage 1 disinfectant by-product levels, mineral levels, metal levels, synthetic and volatile organic contaminant levels, and radionuclide levels to the Executive Director. Specifically, the Respondent failed to report monitoring results for Stage 1 disinfectant by-product levels for the 2008-2010 reporting period, monitoring results for minerals for the 2004-2006 and 2007-2009 reporting periods, metals for the 2004-2006 and 2007-2009 reporting periods, synthetic organic contaminants for the 2005-2007 reporting period, radionuclide levels for the 2004-2006 and 2007-2009 reporting periods, and volatile organic contaminants for the 2006-2008 reporting period.

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	Major	Moderate	Minor	Percent
			x		

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 9 Number of violation days 1096

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$900

Nine single events are 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)

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

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,611

This violation Final Assessed Penalty (adjusted for limits) \$1,611

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 41982
Req. Ent. Reference No. RN101227916
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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. 1.

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 29-Jun-2011

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PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Sup

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 3

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

Violation Description

Failed to submit a Disinfectant Level Quartely Operating Report ("DLQOR") to the Executive Director 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 failed to submit DLQORs for the second, third, and fourth quarters of 2009, and the first, second, third, and fourth quarters of 2010.

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 7 630 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$700

Seven quarterly events are 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 \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$184

Violation Final Penalty Total \$1,253

This violation Final Assessed Penalty (adjusted for limits) \$1,253

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 41982
Req. Ent. Reference No. RN101227916
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	20-Jun-2011	28-Feb-2012	0.69	\$2	n/a	\$2
Training/Sampling	\$100	20-Jun-2011	28-Feb-2012	0.69	\$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 delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that DLQORs are submitted timely, calculated from the record review date 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]	\$158	10-Apr-2009	10-Jan-2011	2.67	\$21	\$158	\$179
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the second quarter of 2009 to the last day the report was due for the fourth quarter of 2010.

Approx. Cost of Compliance

\$303

TOTAL

\$184

Screening Date 29-Jun-2011

Docket No. 2011-1099-PWS-E

PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Sup

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and (c)

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year, a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not deliver the annual CCR for 2009 to its bill-paying customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the year 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 365

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$100

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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 \$107

Violation Final Penalty Total \$179

This violation Final Assessed Penalty (adjusted for limits) \$179

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 41982
Req. Ent. Reference No. RN101227916
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

The delayed costs are captured in the economic benefit worksheet associated with violation no. 1.

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)	\$98	1-Jul-2010	29-Jun-2011	1.91	\$9	\$98	\$107

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCR to the customers of the Facility, calculated from the date the reports were due, to the screening date.

Approx. Cost of Compliance

\$98

TOTAL

\$107

Screening Date 29-Jun-2011

Docket No. 2011-1099-PWS-E

PCW

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Sup

Policy Revision 2 (September 2002)

Case ID No. 41982

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description Failed to pay all annual Public Health Service Fees, including associated late fees and penalties for TCEQ Financial Administration Account No. 91650084. Specifically, the Respondent did not pay Public Health Service Fees for fiscal years 2005, 2006, 2007, 2008, 2009, 2010, and 2011.

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%

Adjustment \$900

\$100

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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 41982
Req. Ent. Reference No. RN101227916
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)				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:	CN603551532 Gonzales, Ramon C Jr	Classification:	Rating:
Regulated Entity:	RN101227916 WARREN ROAD SUBDIVISION WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1650084	
	WATER LICENSING LICENSE	1650084	
Location:	COUNTY ROAD 1195S, MIDLAND, MIDLAND, TX		
TCEQ Region:	REGION 07 - MIDLAND		
Date Compliance History Prepared:	June 29, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 29, 2006 to June 29, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Bridgett Lee</u>	Phone:	<u>(512) 239 - 2565</u>

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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.
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	3/7/2007	(543117)	11	12/22/2010	(934598)
2	2/14/2008	(618504)	12	06/22/2011	(934646)
3	4/15/2007	(644430)	13	06/22/2011	(934660)
4	5/15/2007	(644681)	14	07/27/2009	(934790)
5	8/1/2007	(645440)	15	07/27/2009	(934804)
6	7/13/2010	(841055)	16	07/27/2009	(934809)
7	9/14/2010	(863391)	17	07/27/2009	(934812)
8	6/16/2011	(934339)	18	07/27/2009	(934910)
9	6/16/2011	(934580)	19	07/27/2009	(934916)
10	10/1/2009	(934589)	20	06/24/2011	(935126)

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

Date:	04/15/2007	(644430)	CN603551532	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(4)			
Description:	BACT - MONITORING/REPORTING VIOLATIONS			
Date:	05/15/2007	(644681)	CN603551532	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(4)			
Description:	BACT - MONITORING/REPORTING VIOLATIONS			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)			
Description:	PUBLIC NOTICE			
Date:	07/27/2009	(934812)	CN603551532	
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 01/01/2006 to 12/31/2008.			
Date:	07/27/2009	(934910)	CN603551532	
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 01/01/2008 to 12/31/2008.			
Date:	07/27/2009	(934804)	CN603551532	
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 01/01/2004 to 12/31/2006.			

Date: 07/27/2009 (934809) CN603551532
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(1)
 30 TAC Chapter 290, SubChapter F 290.107(e)
 Description: This system failed to monitor and/or failed to report synthetic organic contaminants levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Date: 07/27/2009 (934790) CN603551532
 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 01/01/2004 to 12/31/2006.

Date: 07/27/2009 (934916) CN603551532
 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 01/01/2007 to 12/31/2007.

Date: 10/01/2009 (934589) CN603551532
 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 second quarter of 2009.

Date: 07/14/2010 (841055) CN603551532
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(a)
 Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems prior to drilling wells number 4 and 6. 30 TAC 290.39(e) and 290.39(h)(1)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46
 Description: Failure to secure a Service Agreement with each connection. 30 TAC 290.46(i).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 Description: Failure to install casing vents on wells number 4 and 6. 30 TAC 290.41(c)(3)(K)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Failure to install adequate concrete sealing blocks on wells number 4 and 6. 30 TAC 290.41(c)(3)(J)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 Description: Failure to install adequate fencing or housing on wells number 4 and 6. 30 TAC 290.41(c)(3)(O)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Failure to install flow measuring devices on wells number 4 and 6. 30 TAC 290.41(c)(3)(N)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
 Description: Failure to record disinfectant residual each week. 30 TAC 290.110(c)(4)(A)

Date: 12/22/2010 (934598) CN603551532
 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 2009 to its bill-paying customers.

Self Report? NO Classification: Moderate
 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 2009 CCR year to the TCEQ.

Date: 06/16/2011 (934580) CN603551532
 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: 06/16/2011 (934339) CN603551532
 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: 06/22/2011 (934646) CN603551532
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(2)
Description: This system failed to monitor and/or failed to report disinfectant byproduct levels its distribution system to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Date: 06/22/2011 (934660) CN603551532
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.

- 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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RAMON C. GONZALES, JR. DBA
WARREN ROAD SUBDIVISION
WATER SUPPLY;
RN101227916**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1099-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 Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply ("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 on County Road 1195 South, west of Texas State Highway 349 in Midland, Midland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 95 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 June 20, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to report the results of annual nitrate sampling to the Executive Director. Specifically, Respondent failed to provide nitrate monitoring results for the 2006, 2007, 2008, 2009 and 2010 reporting periods;
 - b. Failed to report the results of triennial sampling for Stage 1 disinfectant by-product levels, mineral levels, metal levels, synthetic and volatile organic contaminant levels, and radionuclide levels to the Executive Director. Specifically, Respondent did not report monitoring results for Stage 1 disinfectant by-product levels for the 2008-2010 reporting period, monitoring results for minerals for the 2004-2006 and 2007-2009 reporting periods, metals for the 2004-2006 and 2007-2009 reporting periods, synthetic organic contaminants for the 2005-2007 reporting period, radionuclide levels for the 2004-2006 and 2007-2009 reporting periods, and volatile organic contaminants for the 2006-2008 reporting period;

- c. 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 second, third, and fourth quarters of 2009 and the first, second, third, and fourth quarters of 2010;
 - d. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year, a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCR to bill paying customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the year 2009; and
 - e. Failed to pay all annual Public Health Service ("PHS") fees, including associated late fees and penalties, for TCEQ Financial Administration Account No. 91650084. Specifically, Respondent did not pay PHS Fees for fiscal years 2005 through 2011.
3. Respondent received notice of the violations on or about June 29, 2011.
 4. 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 Ramon Gonzales, Jr." (the "EDPRP") in the TCEQ Chief Clerk's office on January 27, 2012.
 5. By letter dated January 27, 2012, 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 January 30, 2012, as evidenced by the signature on the card.
 6. 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 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 report the results of annual nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to report the results of triennial sampling for Stage 1 disinfectant by-product levels, mineral levels, metal levels, synthetic and volatile organic contaminant levels, and radionuclide levels to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), 290.108(e) and 290.113(e).

4. As evidenced by Finding of Fact No. 2.c., 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).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year, a copy of the annual CCR and certification that the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), and 290.274(a) and (c).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay all annual PHS fees, including associated late fees and penalties, for TCEQ Financial Administration Account No. 91650084, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
7. As evidenced by Findings of Fact Nos. 4 and 5, 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. 6, 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 three thousand nine hundred thirty-eight dollars (\$3,938.00) 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 three thousand nine hundred thirty-eight dollars (\$3,938.00) 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: Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply; Docket No. 2011-1099-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. Mail or directly deliver one copy of the 2009 CCR to each bill paying customer and make a good faith effort to deliver a copy of the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.71 and 290.274;
- ii. 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; and
- iii. Submit payment for all outstanding fees, interest, and penalties, including any associated late fees and interest, for TCEQ Financial Administration Account No. 91650084. The payment shall be sent with the notation "Re: Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply, Account No. 91650084" to:

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

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

- c. Within 60 days after the effective date of this Order, Respondent shall:

- i. 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; 290.107; 290.108; and 290.113; and
- ii. Submit to the Executive Director copies of the CCRs provided to customers for the year 2010 and the certification that the CCRs have been distributed to the customers, and that the information in the CCRs is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copies of the CCRs and certification shall be mailed to:

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

- d. Within 75 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provision No. 3.c.
- e. 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 reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-308

- f. Within 105 days after the effective date of this Order, Respondent shall submit written certification in accordance with 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 supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

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 JENNIFER COOK

STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

"My name is Jennifer Cook. 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 Ramon Gonzales, Jr." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on January 27, 2012.

The EDPRP was mailed to Respondent's last known address on January 27, 2012, 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 January 30, 2012, as evidenced by the signature on the card.

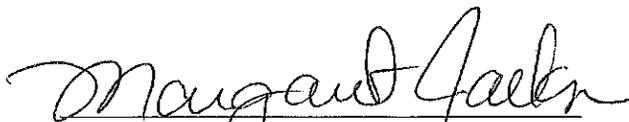
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



Jennifer Cook, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jennifer Cook, 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 27th day of March, A.D. 2012.



Notary Signature