

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 24608
JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard
RN104074125
Docket No. 2012-2202-PWS-E

Order Type:

Default Order

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

17406 Bamwood Drive, Houston, Harris County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date: August 16, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$3,009

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$3,009

Compliance History Classifications:

Person/CN – Unclassified
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: October 2, 2012
Date(s) of NOV(s): N/A
Date(s) of NOE(s): October 15, 2012

Violation Information

1. Failed to provide a sanitary control easement covering land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.ii.].
2. Failed to submit engineering plans and specifications prior to the construction of a new public water system [TEX. HEALTH & SAFETY CODE § 341.035(a), 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1), and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.i.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. Within 90 days:
 - a. Either obtain sanitary easements from adjacent landowners covering all property within 150 feet of the Facility's well and record the deeds at the county courthouse, or obtain an exception to the rule requirement; and
 - b. Submit for review and approval accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the Facility.
2. Within 105 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. and 1.b.
3. Within 365 days, obtain approval of the as-built plans and specifications for the Facility.
4. Within 380 days, submit written certification to demonstrate compliance with Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: March 26, 2013
Date Green Card(s) Signed: March 28, 2013
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Rudy Calderon, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Blas Coy, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3425

TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3500

Respondent: Ollie J. Hilliard, President, JAMIE'S HOUSE CHARTER SCHOOL, INC., P.O. Box 711222, Houston, Texas 77271-1222

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Oct-2012	Screening	22-Oct-2012	EPA Due	
	PCW	22-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard		
Reg. Ent. Ref. No.	RN104074125		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	24608	No. of Violations	2
Docket No.	2012-2202-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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	\$2,950
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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	2.0% Enhancement	Subtotals 2, 3, & 7	\$59
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Notes	Enhancement for one dissimilar NOV.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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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	\$1,316	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,520	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,009
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$3,009
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,009
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$3,009
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Screening Date 22-Oct-2012

Docket No. 2012-2202-PWS-E

PCW

Respondent JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard

Policy Revision 2 (September 2002)

Case ID No. 24608

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104074125

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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>)	0	0%
	Other written NOVs	1	2%
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one dissimilar NOV.

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

Screening Date 22-Oct-2012 **Docket No.** 2012-2202-PWS-E **PCW**
Respondent JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard *Policy Revision 2 (September 2002)*
Case ID No. 24608 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104074125
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.ii.

Violation Description Failed to provide a sanitary control easement covering land within 150 feet of the well.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Failure to obtain sanitary control easements may expose the water source to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard
Case ID No. 24608
Reg. Ent. Reference No. RN104074125
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20	20-Aug-2005	1-Feb-2013	7.46	\$0	\$10	\$10
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 a record a copy of a sanitary control easement to cover the land around the Facility's well, calculated from the effective date of TCEQ Agreed Order Docket No. 2005-0302-PWS-E, 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
 (Empty box for notes)

Approx. Cost of Compliance	\$20	TOTAL	\$10
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Screening Date 22-Oct-2012

Docket No. 2012-2202-PWS-E

PCW

Respondent JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard

Policy Revision 2 (September 2002)

Case ID No. 24608

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104074125

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1), Tex. Health & Safety Code § 341.035(a), and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.i.

Violation Description Failed to submit engineering plans and specifications prior to the construction of a new public water system.

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		

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 29 2620 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

Violation Base Penalty \$2,900

Twenty-nine quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2005-0302-PWS-E, August 20, 2005, to the date of screening, October 22, 2012.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$2,900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,305

Violation Final Penalty Total \$2,958

This violation Final Assessed Penalty (adjusted for limits) \$2,958

Economic Benefit Worksheet

Respondent JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard
Case ID No. 24608
Reg. Ent. Reference No. RN104074125
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	\$2,500	20-Aug-2005	1-Feb-2013	7.46	\$62	\$1,243	\$1,305
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 hire an engineer to develop and submit as-built plans and specifications of the Facility to the Commission, calculated from the effective date of TCEQ Agreed Order Docket No. 2005-0302-PWS-E, 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 \$2,500

TOTAL \$1,305

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Compliance History Report

PENDING Compliance History Report for CN603548512, RN104074125, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603548512, JAMIE'S HOUSE CHARTER SCHOOL, INC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104074125, JAMIES HOUSE CHARTER SCHOOL **Classification:** N/A **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 17406 BAMWOOD DRIVE, HOUSTON, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1013266

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 24, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 24, 2007 to October 24, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Epi Villarreal

Phone: (361) 825-3425

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 10/08/2012 (1009036) CN603548512

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to install a flow meter on the well pump discharge line to provide water usage records and to assist in more efficient system operation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.

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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN602778060, RN104074125, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN602778060, HILLIARD, OLLIE J. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104074125, JAMIES HOUSE CHARTER SCHOOL **Classification:** N/A **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 17406 BAMWOOD DRIVE, HOUSTON, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1013266

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 24, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 24, 2007 to October 24, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Epi Villarreal

Phone: (361) 825-3425

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 10/08/2012 (1009036) CN603548512

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection at each service outlet or connection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to install a flow meter on the well pump discharge line to provide water usage records and to assist in more efficient system operation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.

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
JAMIE'S HOUSE CHARTER
SCHOOL, INC. AND
OLLIE J. HILLIARD;
RN104074125**

§
§
§
§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-2202-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. 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 respondents. The respondents made the subject of this Order are JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard ("Respondents").

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

FINDINGS OF FACT

1. Respondents own and operate a public water system located at 17406 Bamwood Drive in Houston, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has three 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 October 2, 2012, a TCEQ Houston Regional Office investigator documented that Respondents:
 - a. Failed to provide a sanitary control easement covering land within 150 feet of the Facility's well; and
 - b. Failed to submit engineering plans and specifications prior to the construction of a new public water system.
3. Respondents received notice of the violations on or about October 20, 2012.
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 JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard" (the "EDPRP") in the TCEQ Chief Clerk's office on March 26, 2013.
5. By letter dated March 26, 2013, sent to each Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt "green card," each Respondent received notice of the EDPRP on March 28, 2013, as evidenced by the signature on the card.¹

¹ Respondent Ollie J. Hilliard is the Registered Agent and President for Respondent Jamie's House Charter School, Inc., thus, both parties were served at the same mailing address.

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

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to provide a sanitary control easement covering land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.ii.
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to submit engineering plans and specifications prior to the construction of a new public water system, in violation of TEX. HEALTH & SAFETY CODE § 341.035(a), 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1), and TCEQ Agreed Order Docket No. 2005-0302-PWS-E, Ordering Provision No. 2.c.i.
4. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served each Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104 (b)(1).
5. As evidenced by Finding of Fact No. 6, Respondents 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 Respondents and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents 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.
7. An administrative penalty in the amount of three thousand nine dollars (\$3,009.00) 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.
8. 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. Respondents are assessed an administrative penalty in the amount of three thousand nine dollars (\$3,009.00) for violations of state statutes, TCEQ Agreed Order Docket No. 2005-0302-PWS-E, and rules of the TCEQ. The payment of this administrative penalty and Respondents' 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: JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard; Docket No. 2012-2202-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. Respondents shall undertake the following technical requirements:
- a. Within 90 days after the effective date of this Order, Respondents shall:
 - i. Either obtain sanitary easements from adjacent landowners covering all property within 150 feet of the Facility's well and record the deeds at the county courthouse, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to the rule requirement pursuant to 30 TEX. ADMIN. CODE § 290.39. The exception requests shall be submitted to:

Technical Review & Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Submit for review and approval accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Utility Creation & Plan Review Team, MC 153
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Within 105 days after the effective of this Order, Respondents shall submit written certification, as described in Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.
 - c. Within 365 days after the effective date of this Order, Respondents shall obtain approval of the as-built plans and specifications for the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39.
 - d. Within 380 days after the effective date of this Order, Respondents shall submit written certification, as described in Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provision No. 3.c.
 - e. 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:

Respondents shall completely and adequately, as determined by the TCEQ, to all requests for information concerning as-built plans within 15 days after the date of such requests, or by any other deadline specified in writing by the TCEQ.

"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."

Respondents shall submit the written certification 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

and:

Bob Patton, Jr., Section Manager
Public Drinking Water Section, 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 Respondents. Respondents are 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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 Respondents if the Executive Director determines that Respondents have 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 RUDY CALDERON

STATE OF TEXAS

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§

COUNTY OF TRAVIS

"My name is Rudy Calderon. 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 JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 26, 2013.

The EDPRP was mailed to each Respondent's last known address on March 26, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondents received notice of the EDPRP on March 28, 2013, as evidenced by the signature on the card.

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

Rudy Calderon, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 23rd day of July, A.D. 2013.

Notary Signature

