EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45103
Ramon C. Gonzales, Jr. d/b/a/ South Midland County Water Systems
RN101398014
Docket No. 2012-1973-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
County Road 1192 South and County Road 117 West, west of State Highway 349, Midland, Midland County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	$4,945.57; (2011-1099-PWS-E; Referred for collection)
Past-Due Fees:	$437.90 (FA Account No. 91650077)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 1, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: $1,307

Total Paid to General Revenue: $0

Total Due to General Revenue: $1,307

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

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 4, 2012

Date(s) of NOV(s): N/A

Date(s) of NOE(s): September 17, 2012

Violation Information

1. Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the second quarter of 2011 [30 TEX. ADMIN. CODE § 290.106(e)].
2. Failed to provide the results of triennial VOC contaminant and radionuclide sampling to the Executive Director [30 TEX. ADMIN. CODE §§ 290.107(e) and 290.108(e)].
3. Failed to provide public notification regarding an acute MCL violation for nitrate [30 TEX. ADMIN. CODE § 290.122(a)(2)].
4. Failed to pay annual PHS fees and/or any associated late fees for TCEQ FA Account No. 91650077 for Fiscal Years 2011 and 2012 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].
5. Failed to submit a 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)].
6. Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the third quarter of 2011 and the first and second quarter of 2012 [30 TEX. ADMIN. CODE § 290.106(e)].
7. Failed to provide the results of triennial sampling for Stage I DBPs to the Executive Director for the January 1, 2009, through December 31, 2011, monitoring period [30 TEX. ADMIN. CODE § 290.113(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 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;
   b. 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 of their receipt by the Facility, whichever is later;
   c. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility;
   d. 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
   e. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91650077.
2. Within 45 days, submit written certification in accordance with Technical Requirement No. 1.
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. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: December 7, 2012

Date Green Card(s) Signed: December 24, 2012

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Amy Swanholm, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, (512) 239-2576

TCEQ Regional Contact: Michael Edmiston, Midland Regional Office, (432) 570-1359

Respondent: Ramon C. Gonzales, Jr., 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	24-Sep-2012				
PCW	2-Oct-2012	Screening	2-Oct-2012	EPA Due	30-Sep-2011

RESPONDENT/FACILITY INFORMATION

Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		
Reg. Ent. Ref. No.	RN101398014		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	45103	No. of Violations	4
Docket No.	2012-1973-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		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* $700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0.0% Enhancement *Subtotals 2, 3, & 7* $0

Notes: No adjustment for compliance history.

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 $206
Approx. Cost of Compliance $712

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* $700

OTHER FACTORS AS JUSTICE MAY REQUIRE 15.6% *Adjustment* $109

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 3.

Final Penalty Amount $809

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $809

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 $809

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 2 (September 2002)*
Case ID No.	45103		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

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*)	0	0%
	Other written NOVs	0	0%
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	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 (*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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 2 (September 2002)*
Case ID No.	45103		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

Violation Number 1

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

Violation Description Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the second 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 1 — 91 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly 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 $100

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $116

This violation Final Assessed Penalty (adjusted for limits) $116

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$25	30-Jun-2011	1-Apr-2013	1.76	$0	$3	$3
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)	$100	4-Sep-2012	1-Apr-2013	0.57	$3	n/a	$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees so that the lab will release the nitrate/nitrite results ($25), calculated from the last date of the monitoring period for which results were not provided to the estimated date of compliance. The other delayed cost includes the estimated amount to 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, calculated from the date of the record review 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 $125

TOTAL $6

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 2 (September 2002)*
Case ID No.	45103		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.107(e) and 108(e)

Violation Description Failed to provide the results of triennial volatile organic chemical ("VOC") contaminant and radionuclide sampling to the Executive Director. Specifically, the Respondent did not submit the VOC contaminant results for the January 1, 2008 through December 31, 2010 monitoring period and did not submit the radionuclide results for the January 1, 2007 through December 31, 2009 monitoring period.

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: 2 — 1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended (one for each missing report).

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 $200

Economic Benefit (EB) for this violation

Estimated EB Amount $88

Statutory Limit Test

Violation Final Penalty Total $231

This violation Final Assessed Penalty (adjusted for limits) $231

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
Media Public Water Supply
Violation No. 2

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)	$387	31-Dec-2009	1-Apr-2013	3.25	$4	$84	$88
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 the VOC contaminant ($183) and radionuclide ($204) results, calculated from the last date of the first monitoring period for which results were not provided to the estimated date of compliance. The other delayed costs are included in the economic benefit for Violation No. 1 of the revision 2 penalty calculation worksheet.

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 $387

TOTAL $88

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 2 (September 2002)*
Case ID No.	45103		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.122(a)(2)

Violation Description Failed to provide public notification regarding the acute maximum contaminant level ("MCL") violation for nitrate. Specificially, the Facility failed to provide public notification regarding the acute MCL violations for nitrate which occurred during the first through fourth quarters of 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 — 365 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 (one for each notice).

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 $112

Statutory Limit Test

Violation Final Penalty Total $462

This violation Final Assessed Penalty (adjusted for limits) $462

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
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)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System	$100	4-Sep-2012	1-Apr-2013	0.57	$3	n/a	$3
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner, 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]	$100	27-Jan-2010	15-Dec-2010	1.80	$9	$100	$109
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to provide public notification ($25 per notice x 4 notices) of the nitrate MCL violations, calculated for the period when public notification should have been provided.						

Approx. Cost of Compliance $200

TOTAL $112

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 2 (September 2002)*
Case ID No.	45103		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

Violation Number 4

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

Violation Description Failed to pay annual public health service fees and/or any associated late fees, for TCEQ Financial Administration Account No. 91650077 for Fiscal Years 2011 and 2012.

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 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	x	(mark with x)

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

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 Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.00	$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

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

TCEQ

DATES					
Assigned	24-Sep-2012				
PCW	2-Oct-2012	Screening	2-Oct-2012	EPA Due	30-Sep-2011

RESPONDENT/FACILITY INFORMATION			
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		
Reg. Ent. Ref. No.	RN101398014		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	45103	No. of Violations	3
Docket No.	2012-1973-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Michaelle Sherlock
		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*	$400
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	0.0% Enhancement	*Subtotals 2, 3, & 7*	$0
Notes	No adjustment for compliance history.		
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	$137	**Capped at the Total EB $ Amount*	
Approx. Cost of Compliance	$624		
SUM OF SUBTOTALS 1-7		*Final Subtotal*	$400
OTHER FACTORS AS JUSTICE MAY REQUIRE	24.5%	*Adjustment*	$98
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.		
		Final Penalty Amount	$498
STATUTORY LIMIT ADJUSTMENT		*Final Assessed Penalty*	$498
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			$498

Screening Date	2-Oct-2012	**Docket No.**	2012-1973-PWS-E
Respondent	Ramon C. Gonzales, Jr. dba South Midland County		
Case ID No.	45103		
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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*)	0	0%
	Other written NOVs	0	0%
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	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 (*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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date	2-Oct-2012
Docket No.	2012-1973-PWS-E
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No.	45103
Reg. Ent. Reference No.	RN101398014
Media [Statute]	Public Water Supply
Enf. Coordinator	Michaelle Sherlock
Violation Number	1
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, the Respondent failed to submit DLQORs for the third quarter of 2011 through the second quarter of 2012.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 4

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $200

Four quarterly events are recommended (one for each report).

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 $200

Economic Benefit (EB) for this violation

Estimated EB Amount $102

Statutory Limit Test

Violation Final Penalty Total $249

This violation Final Assessed Penalty (adjusted for limits) $249

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
Media Public Water Supply
Violation No. 1

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	$45	4-Sep-2012	1-Apr-2013	0.57	$1	n/a	$1
Training/Sampling	$100	4-Sep-2012	1-Apr-2013	0.57	$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 costs include the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, 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]	$90	10-Oct-2011	10-Jul-2012	1.67	$8	$90	$98
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs: The avoided cost includes the estimated amount to timely prepare and submit DLQORs ($22.50 per DLQOR), calculated from the due date of the first DLQOR to the due date of the last DLQOR.

Approx. Cost of Compliance $235

TOTAL $102

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 3 (September 2011)*
Case ID No.	45103		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code § 290.106(e)		
Violation Description	Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the third quarter of 2011 and the first and second quarters of 2012.		

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 3

274 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $150

Three quarterly events are recommended (one for each report).

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 $150

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
Media Public Water Supply
Violation No. 2

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)	$75	30-Sep-2011	1-Apr-2013	1.50	$0	$8	$8
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 the nitrate/nitrite results ($25 per report x 3 reports), calculated from the last date of the first monitoring period for which results were not provided to the estimated date of compliance. The other delayed costs are included in the economic benefit of Violation No. 1 of the revision 2 penalty calculation worksheet.

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 $75

TOTAL $8

Screening Date	2-Oct-2012	**Docket No.** 2012-1973-PWS-E	**PCW**
Respondent	Ramon C. Gonzales, Jr. dba South Midland County Water Systems		*Policy Revision 3 (September 2011)*
Case ID No.	45103		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101398014		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Michaelle Sherlock		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.113(e)

Violation Description Failed to provide the results of triennial sampling for Stage I disinfection by-products ("DBPs") to the Executive Director for the January 1, 2009 through December 31, 2011 monitoring period.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

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

Adjustment $950

$50

Violation Events

Number of Violation Events: 1 — 1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to 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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $28

Statutory Limit Test

Violation Final Penalty Total $62

This violation Final Assessed Penalty (adjusted for limits) $62

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba South Midland County Water Systems
Case ID No. 45103
Reg. Ent. Reference No. RN101398014
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)	$314	31-Dec-2011	1-Apr-2013	1.25	$1	$26	$28
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 the DBP results ($314), calculated from the last date of the first monitoring period for which results were not provided to the estimated date of compliance. The other delayed costs are included in the economic benefit for Violation No. 1 of the revision 2 penalty calculation worksheet.

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 $314

TOTAL $28

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 CN603551532, RN101398014, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603551532, GONZALES, RAMON C. JR **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN101398014, SOUTH MIDLAND COUNTY WATER SYSTEMS **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: CR 1192S AND CR 117W, MIDLAND COUNTY, TX

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION1650077

Compliance History Period: September 1, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 1, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 1, 2007 to October 1, 2012

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

Name: Michaelle Sherlock **Phone:** (210) 403-4076

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.):
Item 1 September 13, 2012 (1023872)

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.

N/A

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 SOUTH MIDLAND COUNTY WATER SYSTEMS; RN101398014	**§ § § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-1973-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, TEX. WATER CODE ch. 5, 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. d/b/a South Midland County Water Systems ("Respondent").

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

FINDINGS OF FACT

1. Respondent operates and is the receiver for a public water system located at County Road 1192 South and County Road 117 West, west of State Highway 349 in Midland, Midland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 55 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 September 4, 2012, a TCEQ Central Office investigator documented that Respondent:

   a. Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the second quarter of 2011;

   b. Failed to provide the results of triennial volatile organic chemical ("VOC") contaminant and radionuclide sampling to the Executive Director. Specifically, Respondent did not submit the VOC contaminant results for the January 1, 2008, through December 31, 2010, monitoring period and did not submit the radionuclide results for the January 1, 2007, through December 31, 2009, monitoring period;

   c. Failed to provide public notification regarding an acute maximum contaminant level ("MCL") violation for nitrate. Specifically, Respondent failed to provide public notification regarding the acute MCL violations for nitrate which occurred during the first through fourth quarters of 2010;

   d. Failed to pay annual Public Health Service ("PHS") fees and/or any associated late fees for TCEQ Financial Administration ("FA") Account No. 91650077 for Fiscal Years 2011 and 2012;

e. 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 failed to submit DLQORs for the third quarter of 2011 through the second quarter of 2012;

f. Failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the third quarter of 2011 and the first and second quarters of 2012; and

g. Failed to provide the results of triennial sampling for Stage I disinfection by-products ("DBPs") to the Executive Director for the January 1, 2009, through December 31, 2011, monitoring period.

3. Respondent received notice of the violations on or about September 22, 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 Ramon C. Gonzales, Jr. d/b/a South Midland County Water Systems" (the "EDPRP") in the TCEQ Chief Clerk's office on December 7, 2012.

5. By letter dated December 7, 2012, sent to Respondent's last known address via certified mail, return receipt requested, 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 December 24, 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 to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the second quarter of 2011, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide the results of triennial VOC contaminant and radionuclide sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.107(e) and 290.108(e).

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide public notification regarding an acute MCL violation for nitrate, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(2).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to pay annual PHS fees and/or any associated late fees for TCEQ FA Account No. 91650077 for Fiscal Years 2011 and 2012, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3).

6. As evidenced by Finding of Fact No. 2.e., 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).

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide the results of quarterly nitrate/nitrite sampling to the Executive Director for the third quarter of 2011 and the first and second quarters of 2012, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide the results of triennial sampling for Stage I DBPs to the Executive Director for the January 1, 2009, through December 31, 2011, monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.113(e).

9. 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(b)(1).

10. 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.

11. 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.

12. An administrative penalty in the amount of one thousand three hundred seven dollars ($1,307.00) 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.

13. 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 one thousand three hundred seven dollars ($1,307.00) 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. d/b/a South Midland County Water Systems; Docket No. 2012-1973-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. 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 (Organic Contaminants), 290.108 (Radionuclides Other than Radon), and 290.113 (Stage I Disinfection By-products) (Conclusions of Law Nos. 2, 3, 7, and 8);

ii. 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 of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), 290.108 (Radionuclides Other than Radon), and 290.113 (Stage I Disinfection By-products) (Conclusions of Law Nos. 2, 3, 7, and 8);

iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 4);

iv. 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 (Conclusion of Law No. 6); and

v. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91650077. The payment shall be sent with the notation "Ramon C. Gonzales, Jr. d/b/a South Midland County Water Systems, Financial Administration Account No. 91650077" (Conclusion of Law No. 5) to:

Financial Administration Division, Revenue Operations 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.e., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.v.

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 (Conclusion of Law No. 6). 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 78711-3087

d. Within 285 days after the effective date of this Order, Respondent shall submit written certification in accordance with 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:

> "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:

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 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 PEIPEY TANG

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Peipey Tang. 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 C. Gonzales, Jr. d/b/a South Midland County Water Systems" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 7, 2012.

The EDPRP was mailed to Respondent's last known address on December 7, 2012, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on December 24, 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."

Peipey Tang

Peipey Tang, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, 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 8th day of February, A.D. 2013.

Margaret Jackson

Notary Signature

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