

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46864
Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
RN101227916
Docket No. 2013-0949-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

County Road 1195S west of State Highway 349, Midland, Midland County

Type of Operation:

public water supply

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: October 11, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,444

Total Paid to General Revenue: \$144

Total Due to General Revenue: \$1,300

Payment Plan: 13 payments of \$100 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 18, 2013
Date(s) of NOV(s): See Compliance History – 7 related NOVs
Date(s) of NOE(s): April 24, 2013

Violation Information

1. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis [TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A)].
2. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].
3. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification regarding the failure to collect raw groundwater source *Escherichia coli* samples [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)].
4. Failed to collect five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notification regarding the failure to collect five routine distribution coliform samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Begin complying with applicable coliform monitoring requirements by collecting routine, repeat, and increase coliform distribution samples, collecting raw groundwater source *Escherichia coli* samples for each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants (this provision will be satisfied upon six consecutive months of compliance monitoring and reporting); and
 - b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility.
2. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1.b; and
 - b. Within 195 days for Technical Requirement No. 1.a.

Litigation Information

Date Petition(s) Filed: June 19, 2013
Date Answer(s) Filed: N/A
Settlement Date: August 27, 2013

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 46864
Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
RN101227916
Docket No. 2013-0949-PWS-E

Contact Information

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

TCEQ Enforcement Coordinator: Sam Keller, Enforcement Division, (512) 239-2678

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

Respondent Contact: Ramon Gonzales, P.O. Box 2072, Midland, Texas 79702

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	29-Apr-2013			
	PCW	6-May-2013	Screening	1-May-2013	EPA Due 31-Mar-2013

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.	46864	No. of Violations	4
Docket No.	2013-0949-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Sam Keller
		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	\$600
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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	60.0% Enhancement	Subtotals 2, 3, & 7	\$360
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Notes	Enhancement for seven NOV's with same/similar violations and one default order.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does 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	\$490	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$575	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$960
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OTHER FACTORS AS JUSTICE MAY REQUIRE	50.4%	Adjustment	\$484
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to recover the avoided costs of compliance associated with Violation Nos. 1 through 4.
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Final Penalty Amount	\$1,444
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,444
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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	\$1,444
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Screening Date 1-May-2013

Docket No. 2013-0949-PWS-E

PCW

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

Policy Revision 3 (September 2011)

Case ID No. 46864

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

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>)	7	35%
	Other written NOVs	0	0%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 60%

>> 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 seven NOVs with same/similar violations and one default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 1-May-2013 **Docket No.** 2013-0949-PWS-E **PCW**
Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply *Policy Revision 3 (September 2011)*
Case ID No. 46864 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN101227916
Media [Statute] Public Water Supply
Enf. Coordinator Sam Keller

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis for the month of June 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to perform routine coliform monitoring could result in persons served by the Facility being exposed to undetected contaminants, which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 30 Number of violation days

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

Violation Base Penalty \$150

One monthly 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$361

This violation Final Assessed Penalty (adjusted for limits) \$361

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 46864
Reg. Ent. Reference No. RN101227916
Media Violation No. Public Water Supply
 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)				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)	\$100	18-Mar-2013	31-Dec-2013	0.79	\$4	n/a	\$4

Notes for DELAYED costs The delayed cost includes the estimated amount to implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that public notice is posted 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]	\$25	1-Jun-2012	30-Jun-2012	0.00	\$0	\$25	\$25
Other (as needed)	\$25	1-Jul-2012	30-Sep-2012	1.17	\$1	\$25	\$26

Notes for AVOIDED costs The avoided cost includes the estimated amount (\$25 x 1 missed sample) to conduct routine coliform sampling, calculated for the month sampling was not conducted. The other avoided cost includes the estimated amount to provide public notification (\$25 per notice x 1 notification), calculated for the period public notice should have been provided.

Approx. Cost of Compliance \$150

TOTAL \$55

Screening Date 1-May-2013

Docket No. 2013-0949-PWS-E

PCW

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

Policy Revision 3 (September 2011)

Case ID No. 46864

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)

Violation Description

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples for the month of September 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to properly conduct repeat sampling may allow persons served by the Facility to be exposed to undetected contaminants that would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$126

Violation Final Penalty Total \$361

This violation Final Assessed Penalty (adjusted for limits) \$361

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 46864
Reg. 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
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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 of compliance for this violation are associated with the Economic Benefit for 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]	\$100	28-Sep-2012	29-Sep-2012	0.00	\$0	\$100	\$100
Other (as needed)	\$25	30-Sep-2012	29-Dec-2012	1.16	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect all required repeat samples (\$25 per sample x 4 missed samples), calculated for the 24-hour period after the coliform-positive result. The other avoided cost includes the estimated amount to provide public notification (\$25 per notice x 1 notification), calculated for the period public notice should have been provided.

Approx. Cost of Compliance

\$125

TOTAL

\$126

Screening Date 1-May-2013

Docket No. 2013-0949-PWS-E

PCW

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

Policy Revision 3 (September 2011)

Case ID No. 46864

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)

Violation Description

Failed to collect raw groundwater source Escherichia coli samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification regarding the failure to collect raw groundwater source Escherichia coli samples for the month of September 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to conduct raw groundwater source monitoring could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$176

Violation Final Penalty Total \$361

This violation Final Assessed Penalty (adjusted for limits) \$361

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 46864
Reg. 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
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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 of compliance for this violation are associated with the Economic Benefit for 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]	\$150	28-Sep-2012	29-Sep-2012	0.00	\$0	\$150	\$150
Other (as needed)	\$25	30-Sep-2012	29-Dec-2012	1.16	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect raw groundwater source samples from each active source (\$25 per sample x 6 samples), calculated for the 24-hour period after the coliform-positive result. The other avoided cost includes the estimated amount to provide public notification (\$25 per notice x 1 notification), calculated for the period public notice should have been provided.

Approx. Cost of Compliance

\$175

TOTAL

\$176

Screening Date 1-May-2013

Docket No. 2013-0949-PWS-E

PCW

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

Policy Revision 3 (September 2011)

Case ID No. 46864

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101227916

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)

Violation Description

Failed to collect five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notification regarding the failure to collect five routine distribution coliform samples. Specifically, the Respondent collected only one of the five required samples for the month of October 2012 and did not provide public notification for the failure to sample.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to conduct increased coliform monitoring may allow persons served by the Facility to be exposed to undetected contaminants that would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$131

Violation Final Penalty Total \$361

This violation Final Assessed Penalty (adjusted for limits) \$361

Economic Benefit Worksheet

Respondent Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply
Case ID No. 46864
Reg. 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
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 of compliance for this violation are associated with the Economic Benefit for 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]	\$100	1-Oct-2012	31-Oct-2012	1.00	\$5	\$100	\$105
Other (as needed)	\$25	1-Nov-2012	31-Jan-2013	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to conduct increased coliform sampling, (\$25 per sample x 4 missed samples), calculated for the month the increased monitoring was required. The other avoided cost includes the estimated amount to provide public notification (\$25 per notice x 1 notification), calculated for the period public notice should have been provided.

Approx. Cost of Compliance

\$125

TOTAL

\$131

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

PUBLISHED Compliance History Report for CN603551532, RN101227916, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603551532, Ramon C. Gonzales, Jr.

Classification: N/A **Rating:** N/A

Regulated Entity: RN101227916, WARREN ROAD SUBDIVISION WATER SUPPLY

Classification: N/A **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: COUNTY ROAD 1195S MIDLAND, TX 79705, MIDLAND COUNTY

TCEQ Region: REGION 07 - MIDLAND

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1650084 WATER LICENSING LICENSE 1650084

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

Date Compliance History Report Prepared: May 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2008 to May 13, 2013

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

Name: Sam Keller

Phone: (512) 239-2678

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:

- 1 **Effective Date:** 07/26/2012 **ADMINORDER 2011-1099-PWS-E (Findings Order-Default)**
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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.
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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.
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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.
 - 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.
 - 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.
 - Classification:** Moderate
 - Citation:** 30 TAC Chapter 290, SubChapter F 290.113(e)
 - 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.
 - Classification:** Major
 - Citation:** 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.
 - Classification:** Moderate
 - Citation:** 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.
 - Classification:** Moderate
 - Citation:** 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.

Classification: Moderate
Citation: 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.

Classification: Moderate
Citation: 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.

Classification: Major
Citation: 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.

Classification: Major
Citation: 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.

Classification: Moderate
Citation: 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 01/01/2007 to 12/31/2009 but a notice of violation was not sent.

Classification: Moderate
Citation: 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 01/01/2007 to 12/31/2009 but a notice of violation was not sent.

Classification: Major
Citation: 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 01/01/2009 to 12/31/2009 but a notice of violation was not sent.

Classification: Major
Citation: 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 01/01/2006 to 12/31/2006 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)
Description: This system failed to monitor and/or failed to report radionuclide levels at EP001 to the TCEQ for the triennial monitoring period from 01/01/2004 to 12/31/2006 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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 2010 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2010 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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 2009 but a notice of violation was not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
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 2009 but a notice of violation was not sent.

Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)
30 TAC Chapter 290, SubChapter E 290.51(b)
Description: Failed to pay all annual Public Health Service Fees, for fiscal years 2004, 2005, 2006, 2007 and 2008, including any associated fees and penalties for TCEQ Financial Administration Account No. 91650084

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 02, 2011	(944114)
Item 2	September 24, 2012	(1023971)

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: 09/19/2012 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 06/2012- Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 2 Date: 11/12/2012 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: JUNE/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 06/2012.
- 3 Date: 12/06/2012 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: TCR Repeat MR Violation 09/2012- Failure to collect and/or submit any repeats following a coliform found result within the required timeline.
- 4 Date: 01/09/2013 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: GWR Triggered Source MR Violation 09/2012- Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 6 source(s) within the required timeline.
- 5 Date: 01/10/2013 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: TCR Increase MR Violation 10/2012- Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.
- 6 Date: 01/29/2013 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: SEPT/2012 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct coliform monitoring for the month of 09/2012.
- 7 Date: 02/21/2013 (1078579) CN603551532**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2010 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month 10/2012.

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**

AGREED ORDER

DOCKET NO. 2013-0949-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon 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 1195S, west of 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 March 18, 2013, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis for the month of June 2012;
 - b. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples for the month of September 2012;

- c. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification regarding the failure to collect raw groundwater source *Escherichia coli* samples for the month of September 2012; and
 - d. Failed to collect five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notification regarding the failure to collect five routine distribution coliform samples. Specifically, Respondent collected only one of the five required samples for the month of October 2012 and did not provide public notification for the failure to sample.
3. Respondent received notice of the violations on or about April 29, 2013.

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 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification regarding the failure to collect routine distribution water samples for coliform analysis, in violation of TEX. HEALTH & SAFETY CODE § 341.033(d) and 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive sample result on a routine sample and failed to provide public notification regarding the failure to collect repeat distribution coliform samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification regarding the failure to collect raw groundwater source *Escherichia coli* samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect five routine distribution coliform samples the month following a coliform-positive sample result and failed to provide public notification regarding the failure to collect five routine distribution coliform samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).
6. 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.
7. An administrative penalty in the amount of one thousand four hundred forty-four dollars (\$1,444.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid one hundred forty-four dollars (\$144.00) of the administrative penalty. The remaining amount of one thousand three hundred dollars (\$1,300.00) of the administrative penalty shall be payable in thirteen (13) monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and

satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 7, above, 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 Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable 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. 2013-0949-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

2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Begin complying with applicable coliform monitoring requirements by collecting routine, repeat, and increase coliform distribution samples, collecting raw groundwater source *Escherichia coli* samples for each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliance monitoring and reporting; and
 - ii. 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;
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification in accordance with Ordering Provision No. 2.d., below, to demonstrate compliance with Ordering Provision No. 2.a.ii.
 - c. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification in accordance with Ordering Provision No. 2.d., below, to demonstrate compliance with Ordering Provision No. 2.a.i.
 - d. 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:

Bob Patton, Jr., Section Manager
Public Drinking Water Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

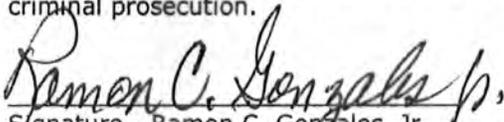
December 16, 2013
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature - Ramon C. Gonzales, Jr.

11-13-13
Date