

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46360
Charles Watts d/b/a Island View Landing
RN101239606
Docket No. 2013-0486-PWS-E

Order Type:

Default Order

Media:

Public Water Supply

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1099 Lindsey Road, Jefferson, Marion County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date: November 8, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$507

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$507

Compliance History Classifications:

Person/CN –Unclassified
Site/RN – Not Applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): October 24, 2012; December 10, 2012
Complaint Information: First complaint alleges the water was being turned off all but two hours a day. Second complaint alleges Mr. Watts turns water off for hours a day and sometimes the whole day.

Date(s) of Investigation: November 12, 2012; December 10, 2012

Date(s) of NOV(s): March 12, 2012; November 19, 2012

Date(s) of NOE(s): January 22, 2013

Violation Information

1. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions, and a minimum pressure of 20 psi during emergencies such as fire fighting [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].
2. Failed to issue a boil water notice to the affected customers within 24 hours of a low pressure event or water outage using the prescribed format [30 TEX. ADMIN. CODE §§ 290.46(q)(1) and (q)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Begin maintaining a minimum pressure of 35 psi at all points within the distribution system;
 - b. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 psi, water outages, positive *Escherichia coli* or fecal coliform samples, elevated finished water turbidity level, low chlorine residuals, or other conditions which indicate that the water supply may be compromised; and
 - c. Incorporate the flowchart identified in 30 TEX. ADMIN. CODE § 290.47(h) into the Facility's plant operations manual, conduct employee training, and implement the procedures outlined in the flowchart to ensure that all required boil water notices are provided to the customers of the Facility within 24 hours of a low distribution pressure event, water outage, positive *Escherichia coli* or fecal coliform samples, low chlorine residual, elevated finished water turbidity level, or other condition which indicates that the potability of the drinking water has been compromised.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: July 19, 2013

Date Green Card(s) Signed: July 24, 2013

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Rebecca M. Combs, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Jim Fisher, Enforcement Division, (512) 239-2537

TCEQ Regional Contact: Ross Morgan, Tyler Regional Office, (903) 535-5100

Respondent: Charles Watts, 1099 Lindsey Road, Jefferson, Texas 75657

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	28-Jan-2013		
	PCW	3-Jun-2013	Screening	7-Feb-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Charles Watts dba Island View Landing
Reg. Ent. Ref. No.	RN101239606
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	46360	No. of Violations	2
Docket No.	2013-0486-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jim Fisher
		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	\$450
---	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	7.0% Enhancement Subtotals 2, 3, & 7	\$31

Notes: Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

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: \$88
 Approx. Cost of Compliance: \$1,125
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$481
-----------------------------	-----------------------	-------

OTHER FACTORS AS JUSTICE MAY REQUIRE	5.4%	Adjustment	\$26
---	------	-------------------	------

Reduces or enhances the Final Subtotal by the indicated percentage.
 Notes: Enhancement to capture the avoided cost associated with Violation No. 2.

Final Penalty Amount	\$507
-----------------------------	-------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$507
-----------------------------------	-------------------------------	-------

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: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$507
------------------------	-------

Screening Date 7-Feb-2013

Docket No. 2013-0486-PWS-E

PCW

Respondent Charles Watts dba Island View Landing

Policy Revision 3 (September 2011)

Case ID No. 46360

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101239606

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> **Repeat Violator (Subtotal 3)**

#####

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date 7-Feb-2013

Docket No. 2013-0486-PWS-E

PCW

Respondent Charles Watts dba Island View Landing

Policy Revision 3 (September 2011)

Case ID No. 46360

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101239606

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)

Violation Description Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting. Specifically, it was documented that the well is shut down at times to protect the well pump. In addition, the Respondent stated in a letter dated November 23, 2012, that the system pressure is normally between 20 psi and 40 psi, and is as low as 10 psi when the well level is low and the pump is sucking air.

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%

Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage which could expose customers to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 59 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$300

Two monthly events are recommended, calculated from the December 10, 2012 record review date to the February 7, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent Charles Watts dba Island View Landing
Case ID No. 46360
Reg. Ent. Reference No. RN101239606
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$1,000	10-Dec-2012	31-Jan-2014	1.14	\$57	n/a	\$57

Notes for DELAYED costs

The delayed cost includes the estimated amount for additional oversight and maintenance to ensure an adequate pressure throughout the distribution system, 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$57

Screening Date 7-Feb-2013

Docket No. 2013-0486-PWS-E

PCW

Respondent Charles Watts dba Island View Landing

Policy Revision 3 (September 2011)

Case ID No. 46360

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101239606

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(q)(1) and (q)(2)

Violation Description

Failed to issue a boil water notice to the affected customers within 24 hours of a low pressure event or water outage using the prescribed format in 30 Tex. Admin. Code § 290.47(e). Specifically, the Respondent stated in a letter dated November 23, 2012 that the system pressure falls below 20 psi when the well water level is low, that the water system is shut down at times to allow the well to recover, and that no boil water notice was issued.

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 issue a boil water notice may not allow affected customers to take appropriate measures in response to low water pressure which could expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended, calculated from the December 10, 2012 record review date to the February 7, 2013 screening date.

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 \$31

Violation Final Penalty Total \$169

This violation Final Assessed Penalty (adjusted for limits) \$169

Economic Benefit Worksheet

Respondent Charles Watts dba Island View Landing
Case ID No. 46360
Reg. Ent. Reference No. RN101239606
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Dec-2012	30-Nov-2013	0.97	\$5	n/a	\$5
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 develop and implement a written protocol that is to be followed to ensure boil water notices are issued to customers when appropriate, 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]				0.00	\$0	\$0	\$0
Other (as needed)	\$25	23-Nov-2012	7-Feb-2013	1.13	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide all customers of the affected area with a proper boil water notification, calculated from the due date to the screening date.

Approx. Cost of Compliance

\$125

TOTAL

\$31

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 CN600677322, RN101239606, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600677322, CHARLES WATTS

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN101239606, ISLAND VIEW LANDING

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1099 LINDSEY ROAD, MARION COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1580010

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

Date Compliance History Report Prepared: March 22, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 07, 2008 to February 07, 2013

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

Name: Jim Fisher **Phone:** (512) 239-2537

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

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

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

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

1 Date: 03/12/2012 (989168) CN600677322

Self Report? NO Classification: Minor

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

Description: Failure to install a flow meter on the well pump discharge line.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to maintain the public water systems operating records.

2 Date: 11/19/2012 (1043890) CN600677322

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to provide a minimum pressure of 35 psi throughout the distribution system. The system shall also be operated to maintain a minimum pressure of 20 psi during emergency conditions.

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

THIS PAGE INTENTIONALLY LEFT BLANK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHARLES WATTS D/B/A
ISLAND VIEW LANDING;
RN101239606**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-0486-PWS-E

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 1099 Lindsey Road in Jefferson, Marion County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 20 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 December 10, 2012, a TCEQ Tyler Regional Office investigator documented that Respondent:
 - a. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions, and a minimum pressure of 20 psi during emergencies such as fire fighting. Specifically, it was documented that the well is shut down at times to protect the well pump. In addition, Respondent stated in a letter dated November 23, 2012, that the system pressure is normally between 20 psi and 40 psi, and is as low as 10 psi when the well level is low and the pump is sucking air; and
 - b. Failed to issue a boil water notice to the affected customers within 24 hours of a low pressure event or water outage using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(e). Specifically, Respondent stated in a letter dated November 23, 2012, that the system pressure falls below 20 psi when the well water level is low, that the water system is shut down at times to allow the well to recover, and that no boil water notices are issued.
3. Respondent received notice of the violations on or about January 24, 2013.
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 Charles Watts d/b/a Island View Landing" (the "EDPRP") in the TCEQ Chief Clerk's office on July 19, 2013.

5. By letter dated July 19, 2013, 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 July 24, 2013, 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 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to operate the Facility to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, and a minimum pressure of 20 psi during emergencies such as fire fighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to issue a boil water notice to the affected customers within 24 hours of a low pressure event or water outage using the prescribed format in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE §§ 290.46(q)(1) and (q)(2).
4. 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).
5. 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.
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 five hundred seven dollars (\$507.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of five hundred seven dollars (\$507.00) 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: Charles Watts d/b/a Island View Landing; Docket No. 2013-0486-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. Begin maintaining a minimum pressure of 35 psi at all points within the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.44 and § 290.46;
 - ii. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 psi, water outages, positive *Escherichia coli* or fecal coliform samples, elevated finished water turbidity level, low chlorine residuals, or other conditions which indicate that the water supply may be compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Incorporate the flowchart identified in 30 TEX. ADMIN. CODE § 290.47(h) into the Facility's plant operations manual, conduct employee training, and implement the procedures outlined in the flowchart to ensure that all required boil water notices are provided to the customers of the Facility within 24 hours of a low distribution pressure event, water outage, positive *Escherichia coli* or fecal coliform samples, low chlorine residual, elevated finished water turbidity level, or other condition which indicates that the potability of the drinking water has been compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iii. The certification 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 certification 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

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 REBECCA M. COMBS

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

"My name is Rebecca M. Combs. 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 Charles Watts d/b/a Island View Landing" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on July 19, 2013.

The EDPRP was mailed to Respondent's last known address on July 19, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on July 24, 2013, 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."

Rebecca M. Combs

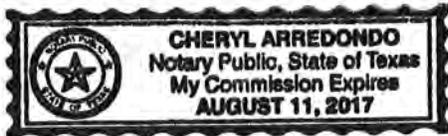
Rebecca M. Combs, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 9th day of October A.D. 2013.

Cheryl Arredondo

Notary Signature



Notary without Bond