

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46886  
Jose Flores Cabazos a/k/a Jose Flores Cavazos  
RN105922645  
Docket No. 2013-1015-PWS-E

**Order Type:**

Default Order

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

17601 County Road 2220, Lubbock County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Past-Due Fees: \$249.20 (Acct. No. 91520269)  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** February 28, 2014

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$3,801

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$3,801

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** February 25, 2013

**Date(s) of NOV(s):** See Compliance History - twelve related NOVs

**Date(s) of NOE(s):** April 6, 2013

**Violation Information**

1. Failed to collect routine distribution water samples for coliform analysis for the months of April 2012 through January 2013, and failed to provide public notice of the failure to sample for the months of April 2012 through November 2012 [TEX. HEALTH & SAFETY CODE § 341.033(d), 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii), and 290.122(c)(2)(A)].
2. Failed to provide Disinfectant Level Quarterly Operating Reports (“DLQORs”) 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)].
3. Failed to provide the results of triennial sampling for asbestos, metals, minerals, synthetic organic chemical contaminants, volatile organic chemical contaminants, and radionuclides to the Executive Director for the January 1, 2010, through December 31, 2012, reporting period [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.108(e)].
4. Failed to provide the results of annual nitrate sampling to Executive Director for the 2012 reporting period [30 TEX. ADMIN. CODE § 290.106(e)].
5. Failed to pay all Public Health Service fees and associated late fees for TCEQ FA Account Number 91520269 for Fiscal Year 2013 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 30 days:
  - a. Begin complying with applicable coliform monitoring requirements, including the collection of all routine distribution samples when required and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
  - b. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a schedule has been established;
  - c. 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 day of Executive Director request or of their receipt by the Facility, whichever is later;
  - d. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notice for the failure to collect routine distribution water samples.
  - e. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
  - f. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91520269.
2. 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.
3. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirements Nos. 1.b. through 1.f.;
  - b. Within 195 days for Technical Requirement No. 1.a.; and
  - c. Within 285 days for Technical Requirement No. 2.

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 46886**  
**Jose Flores Cabazos a/k/a Jose Flores Cavazos**  
**RN105922645**  
**Docket No. 2013-1015-PWS-E**

**Litigation Information**

**Date Petition(s) Filed:** October 10, 2013 (EDFARP)  
**Date Green Card(s) Signed:** October 16, 2013  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Elizabeth Lieberknecht, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Blas Coy, Public Interest Counsel, (512) 239-6363  
**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, 512-239-2537  
**TCEQ Regional Contact:** Gary Shipp, Lubbock Regional Office, 806-796-7092  
**Respondent:** Jose Flores Cabazos, 5210 County Road 7360, Lubbock, Texas 79424  
**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	8-Apr-2013			
	<b>PCW</b>	7-May-2013	<b>Screening</b>	1-May-2013	<b>EPA Due</b> 30-Sep-2012

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Jose Flores Cabazos a/k/a Jose Flores Cavazos
<b>Reg. Ent. Ref. No.</b>	RN105922645
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	46886	<b>No. of Violations</b>	5
<b>Docket No.</b>	2013-1015-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jim Fisher
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	62.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b> \$1,240

Notes: Enhancement for 12 NOVs with the same/similar violations and one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$655  
 Approx. Cost of Compliance \$1,988  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,240
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	17.3%	<b>Adjustment</b>	\$561
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs associated with Violation Nos. 1 and 2.

<b>Final Penalty Amount</b>	\$3,801
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,801
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$3,801
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**Screening Date** 1-May-2013

**Docket No.** 2013-1015-PWS-E

**PCW**

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos

*Policy Revision 3 (September 2011)*

**Case ID No.** 46886

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN105922645

**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> )	12	60%
	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 12 NOVs with the 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%**

<b>Screening Date</b>	1-May-2013	<b>Docket No.</b>	2013-1015-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jose Flores Cabazos a/k/a Jose Flores Cavazos			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	46886			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN105922645			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Jim Fisher			

**Violation Number**

**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 for the months of April 2012 through January 2013, and failed to provide public notice of the failure to sample for the months of April 2012 through November 2012.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual			
	Potential	x		<b>Percent</b> <input type="text" value="15.0%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <input type="text" value="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**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Ten monthly events are recommended, based on one event for each month the required samples were not collected.

**Good Faith Efforts to Comply**

Reduction

	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**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos  
**Case ID No.** 46886  
**Reg. Ent. Reference No.** RN105922645  
**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
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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)	\$100	25-Feb-2013	31-Dec-2013	0.85	\$4	n/a	\$4

**Notes for DELAYED costs**  
 The delayed cost includes the estimated cost 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]	\$250	1-Apr-2012	31-Jan-2013	1.75	\$22	\$250	\$272
Other (as needed)	\$200	1-May-2012	28-Feb-2013	1.75	\$17	\$200	\$217

**Notes for AVOIDED costs**  
 The avoided costs include the estimated amount to collect a total of ten routine samples (\$25/sample x 10 samples), calculated for the months in which no samples were collected, and to provide public notification of the failure to sample (\$25/notice x 8 notices), calculated for the period public notice was required.

Approx. Cost of Compliance \$550

**TOTAL** \$494

Screening Date 1-May-2013

Docket No. 2013-1015-PWS-E

PCW

Respondent Jose Flores Cabazos a/k/a Jose Flores Cavazos

Policy Revision 3 (September 2011)

Case ID No. 46886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105922645

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

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

Violation Description

Failed to provide 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, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the second through the fourth 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 requirements were 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.

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 \$78

Violation Final Penalty Total \$285

This violation Final Assessed Penalty (adjusted for limits) \$285

## Economic Benefit Worksheet

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos  
**Case ID No.** 46886  
**Reg. Ent. Reference No.** RN105922645  
**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	\$45	25-Feb-2013	31-Dec-2013	0.85	\$2	n/a	\$2
Training/Sampling	\$100	25-Feb-2013	31-Dec-2013	0.85	\$4	n/a	\$4
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 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 date of the investigation 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]	\$67	10-Jul-2012	10-Jan-2013	1.42	\$5	\$67	\$72
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs: The avoided cost includes the estimated amount to prepare and submit the missing DLQORs (\$22.50/report x 3 reports, rounded down), calculated from the day the report was due for the second quarter of 2012 to the day the report was due for the fourth quarter of 2012.

Approx. Cost of Compliance \$212

**TOTAL** \$78

Screening Date 1-May-2013

Docket No. 2013-1015-PWS-E

PCW

Respondent Jose Flores Cabazos a/k/a Jose Flores Cavazos

Policy Revision 3 (September 2011)

Case ID No. 46886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105922645

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e), 290.107(e), and 290.108(e)

Violation Description

Failed to provide the results of triennial sampling for asbestos, metals, minerals, synthetic organic chemical contaminants, volatile organic chemical contaminants, and radionuclides to the Executive Director for the January 1, 2010 through December 31, 2012 reporting 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 requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 6

1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Six single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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 \$83

Violation Final Penalty Total \$570

This violation Final Assessed Penalty (adjusted for limits) \$570

## Economic Benefit Worksheet

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos  
**Case ID No.** 46886  
**Reg. Ent. Reference No.** RN105922645  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,126	31-Dec-2012	31-Dec-2013	1.00	\$4	\$75	\$79
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	25-Feb-2013	31-Dec-2013	0.85	\$4	n/a	\$4

#### Notes for DELAYED costs

The delayed cost includes the estimated amount to pay any outstanding lab fees so that the lab will release the asbestos (\$130), synthetic organic chemical contaminants (\$300), metals (\$264), volatile organic chemical contaminants (\$183), minerals (\$155), radionuclides (\$204), and nitrates (\$25) results, 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

<b>Approx. Cost of Compliance</b>	\$1,226	<b>TOTAL</b>	\$83
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Screening Date 1-May-2013

Docket No. 2013-1015-PWS-E

PCW

Respondent Jose Flores Cabazos a/k/a Jose Flores Cavazos

Policy Revision 3 (September 2011)

Case ID No. 46886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105922645

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of annual nitrate sampling to the Executive Director for the 2012 reporting 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

365 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$50

One annual event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

# Economic Benefit Worksheet

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos  
**Case ID No.** 46886  
**Reg. Ent. Reference No.** RN105922645  
**Media Violation No.** Public Water Supply  
 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 are included in Violation No. 3.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 1-May-2013

Docket No. 2013-1015-PWS-E

PCW

Respondent Jose Flores Cabazos a/k/a Jose Flores Cavazos

Policy Revision 3 (September 2011)

Case ID No. 46886

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105922645

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 5

Rule Cite(s)

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

Violation Description

Failed to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 91520269 for Fiscal Year 2013.

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

Percent 0.0%

Matrix Notes

Matrix Notes text area

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 Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

# Economic Benefit Worksheet

**Respondent** Jose Flores Cabazos a/k/a Jose Flores Cavazos  
**Case ID No.** 46886  
**Reg. Ent. Reference No.** RN105922645  
**Media Violation No.** Public Water Supply  
 5

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)				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

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 CN603667015, RN105922645, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603667015, Jose Flores Cabazos  
a/k/a Jose Flores Cavazos **Classification:** SATISFACTORY **Rating:** 4.00

**Regulated Entity:** RN105922645, CABAZOS HOMES **Classification:** SATISFACTORY **Rating:** 4.00

**Complexity Points:** 0 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 17601 COUNTY ROAD 2220, LUBBOCK COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1520269

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

**Date Compliance History Report Prepared:** April 26, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 26, 2008 to April 26, 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.):**

Item 1 December 04, 2012 (1049771)

**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: 05/18/2012 (1006545)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)

Description: Failure to prevent the disposal of municipal solid waste at an unauthorized facility.

**2 Date: 07/23/2012 (1073604) CN603667015**

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 05/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

**3 Date: 09/19/2012 (1073604) CN603667015**

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.

**4 Date: 10/11/2012 (1073604) CN603667015**

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 07/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

- 5 Date: 10/29/2012 (1073604) CN603667015**  
 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: MAY/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 05/2012.
- 6 Date: 11/12/2012 (1073604) CN603667015**  
 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.
- 7 Date: 12/06/2012 (1073604) CN603667015**  
 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: JULY/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 07/2012.
- 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 09/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 8 Date: 01/10/2013 (1073604) CN603667015**  
 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 10/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 9 Date: 01/29/2013 (1073604) CN603667015**  
 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 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 09/2012.
- 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 11/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 10 Date: 02/11/2013 (1073604) CN603667015**  
 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 12/2012 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.
- 11 Date: 02/21/2013 (1073604) CN603667015**  
 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/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 10/2012.

**12 Date: 03/13/2013 (1073604) CN603667015**  
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 01/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

**13 Date: 03/22/2013 (1073604) CN603667015**  
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: NOV/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 11/2012.

**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  
JOSE FLORES CABAZOS A/K/A  
JOSE FLORES CAVAZOS;  
RN105922645**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2013-1015-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended 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 Jose Flores Cabazos a/k/a Jose Flores Cavazos ("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 17601 County Road 2220 in Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 11 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 February 25, 2013, a TCEQ Central Office investigator documented that Respondent:
  - a. Failed to collect routine distribution water samples for coliform analysis for the months of April 2012 through January 2013, and failed to provide public notice of the failure to sample for the months of April 2012 through November 2012;
  - b. Failed to provide Disinfectant Level Quarterly Operating Reports ("DLQORs") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent did not submit DLQORs for the second through the fourth quarters of 2012;
  - c. Failed to provide the results of triennial sampling for asbestos, metals, minerals, synthetic organic chemical contaminants, volatile organic chemical contaminants, and radionuclides to the Executive Director for the January 1, 2010, through December 31, 2012, reporting period;
  - d. Failed to provide the results of annual nitrate sampling to Executive Director for the 2012 reporting period; and
  - e. Failed to pay all Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration ("FA") Account Number 91520269 for Fiscal Year 2013.
3. Respondent received notice of the violations on or about April 11, 2013.

4. The Executive Director filed the "Executive Director's First Amended 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 Jose Flores Cabazos a/k/a Jose Flores Cavazos" (the "EDFARP") in the TCEQ Chief Clerk's office on October 10, 2013.
5. The EDFARP was mailed to Respondent's last known address on October 10, 2013, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDFARP on October 16, 2013.
6. More than 20 days have elapsed since Respondent received notice of the EDFARP. 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 collect routine distribution water samples for coliform analysis for the months of April 2012 through January 2013, and failed to provide public notice of the failure to sample for the months of April 2012 through November 2012, in violation of TEX. HEALTH & SAFETY CODE § 341.033(d), 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 provide DLQORs 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).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of triennial sampling for asbestos, metals, minerals, synthetic organic chemical contaminants, volatile organic chemical contaminants, and radionuclides to the Executive Director for the January 1, 2010, through December 31, 2012, reporting period, in violation of 30 TEX. ADMIN. CODE § 290.106(e), 290.107(e), and 290.108(e).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide the results of annual nitrate sampling to Executive Director for the 2012 reporting period, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
6. As evidenced by Finding of Fact No. 2.e., failed to pay all PHS fees and associated late fees for TCEQ FA Account Number 91520269 for Fiscal Year 2013, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
7. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
8. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of three thousand eight hundred one dollars (\$3,801.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of three thousand eight hundred one dollars (\$3,801.00) 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: Jose Flores Cabazos a/k/a Jose Flores Cavazos; Docket No. 2013-1015-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 complying with applicable coliform monitoring requirements, including the collection of all routine distribution samples when required 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 compliant monitoring and reporting (Conclusion of Law No. 2);
    - ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants), 290.107 (Organic Contaminants), and 290.108 (Radionuclides) (Conclusions of Law Nos. 4 and 5);
    - iii. 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 day 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), and 290.108 (Radionuclides) (Conclusions of Law Nos. 4 and 5);

- iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including providing public notice for the failure to collect routine distribution water samples, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 2);
- v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 3); and
- vi. Submit payment for all outstanding fees, interest, and penalties for TCEQ FA Account No. 91520269. The payment shall be submitted with the notation "Jose Flores Cabazos, FA Account No. 91520269" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 7811-3088

- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.ii. through 3.a.vi.
- 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. 3). 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 13088  
Austin, Texas 7811-3087

- d. Within 195 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provision No. 3.a.i.
- e. Within 285 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 3.f., below, to demonstrate compliance with Ordering Provision No. 3.c.
- f. 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

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

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For the Commission

**AFFIDAVIT OF ELIZABETH LIEBERKNECHT**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

§

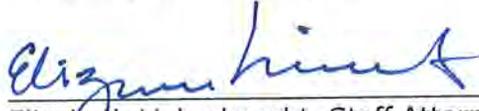
§

"My name is Elizabeth Lieberknecht. 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 First Amended 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 Jose Flores Cabazos a/k/a Jose Flores Cavazos" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on October 10, 2013.

The EDFARP was mailed to Respondent's last known address on October 10, 2013, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDFARP on October 16, 2013.

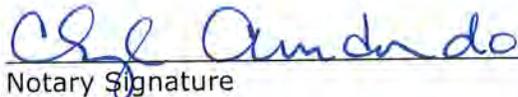
More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."



Elizabeth Lieberknecht, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Elizabeth Lieberknecht, 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 27<sup>th</sup> day of January, A.D. 2014.



Notary Signature



Notary without Bond