

Executive Summary – Enforcement Matter – Case No. 38934
Henry M. Garza dba Cielo Azul Ranch
RN101217792
Docket No. 2012-0779-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Cielo Azul Ranch, Ranch-To-Market Road 32, near Wimberley, Hays County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 8, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,402

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$152

Total Due to General Revenue: \$5,250

Payment Plan: 35 payments of \$150 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: \$27

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 21, 2011 and February 24, 2012

Date(s) of NOE(s): February 29, 2012

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Violation Information

1. Failed to provide Facility records to Commission personnel at time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.a.].
2. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.d.i.].
3. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, specifies the analytical procedures, and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.b.i.].
4. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
5. Failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].
6. Failed to provide ground storage tanks ("GSTs") designed in strict accordance with American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
7. Failed to provide the Dara Lane GST with an operable and easily readable liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].
8. Failed to provide a minimum pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
9. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
10. Failed to properly seal the wellhead with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

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11. Failed to inspect the Facility's three GSTs annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
12. Failed to calibrate the well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
13. Failed to inspect the Facility's two pressure tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 26, 2012, the Respondent implemented the following corrective measures:

- a. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted;
- b. Began calibrating the manual disinfectant residual analyzers using chlorine solutions of known concentrations and perform this calibration at least once every 30 days;
- c. Provided the GST overflows with gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch;
- d. Provided the Dara Lane GST with an operable and easily readable liquid level indicator;
- e. Began providing a minimum pressure tank capacity of 20 gallons per connection;
- f. Provided two or more service pumps having a total capacity of 2.0 gpm per connection;
- g. Properly sealed the gap in the wellhead with a gasket or approved sealing compound;
- h. Conducted annual inspections of the Facility's three GSTs;
- i. Calibrated the well meter; and
- j. Conducted annual inspections of the Facility's two pressure tanks.

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Technical Requirements:

The Order will require the Respondent to:

- a. Within 10 days, begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days.
- b. Within 30 days:
 - i. Submit written certification to demonstrate compliance with Ordering Provision a.
 - ii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: a record of the amount of chemicals used each week, a record of the volume of water treated each week, and bacteriological sample results and make them readily available at the time of Commission inspections; and
 - iii. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.
- c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions b.ii. through b.iii.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: James Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Henry M. Garza, Owner, Cielo Azul Ranch, P.O. Box 1898, San Marcos, Texas 78667-1898
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	5-Mar-2012	Screening	19-Mar-2012	EPA Due	
	PCW	19-Mar-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Henry M. Garza dba Cielo Azul Ranch
Reg. Ent. Ref. No.	RN101217792
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38934	No. of Violations	13
Docket No.	2012-0779-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Andrea Linson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,310**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **69.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,593**

Notes: Enhancement for three NOVs with the same/similar violations, seven NOVs with dissimilar violations, and two agreed orders containing denials of liability.

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 \$1,773
Approx. Cost of Compliance \$5,473
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,903**

OTHER FACTORS AS JUSTICE MAY REQUIRE **37.7%** **Adjustment** **\$1,472**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs associated with Violation Nos. 4, 5, 11, 12 and 13.

Final Penalty Amount **\$5,375**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$5,402**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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.

PAYABLE PENALTY **\$5,402**

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

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>)	3	15%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 69%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations, seven NOVs with dissimilar violations, and two agreed orders containing denials of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.a.

Violation Description Failed to provide Facility records to Commission personnel at time of the investigation. Specifically, at the time of the investigation, it was documented that the following documents were not available for review: a record of the amount of chemicals used each week, a record of the volume of water treated each week, and bacteriological sample results.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$23

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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
<i>No commas or \$</i>							

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	\$135	19-Mar-2011	15-Feb-2015	3.92	\$26	n/a	\$26
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile and begin maintaining a record keeping system (\$45 per record), including but not limited to the amount of chemicals used each week, the volume of water treated each week, and bacteriological sampling results, calculated from the effective date of TCEQ Agreed Order 2010-0020-PWS-E to the estimated compliance date.

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

\$135

TOTAL

\$26

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.d.i.

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, at the time of the investigation, the Respondent could not provide a service agreement or plumbing ordinance that had been adopted for the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (10%).

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 24

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'x' is marked in the 'single event' row.

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. 'x' is marked in the 'N/A' row.

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$233

This violation Final Assessed Penalty (adjusted for limits) \$233

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	19-Mar-2011	26-Jun-2012	1.27	\$0	\$8	\$9
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the effective date of TCEQ Agreed Order 2010-0020-PWS-E to the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$100

TOTAL

\$9

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order 2010-0020-PWS E, Ordering Provision No. 2.b.i.

Violation Description

Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$233

This violation Final Assessed Penalty (adjusted for limits) \$233

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	19-Mar-2011	15-Feb-2015	3.92	\$2	\$47	\$49
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 includes the estimated amount to develop and create a chemical and microbiological monitoring plan, calculated from the effective date of TCEQ Agreed Order 2010-0020-PWS-E to the estimated compliance date.

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

\$180

TOTAL

\$49

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(4)(A)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to monitor the disinfectant residual at representative locations throughout the distribution system may expose customers to undetected contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended, calculated from the record review date, February 24, 2012, to the screening date, March 19, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$610

Violation Final Penalty Total \$582

This violation Final Assessed Penalty (adjusted for limits) \$582

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
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

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	\$780	21-Jun-2011	19-Mar-2012	0.75	\$29	\$581	\$610
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

The avoided costs include the estimated amount to perform weekly monitoring of the disinfectant residual at representative locations within the distribution system (\$15 per week, annualized), calculated from the investigation date initially documenting the violation to the screening date.

Approx. Cost of Compliance

\$780

TOTAL

\$610

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(C)(i)

Violation Description

Failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide accurate testing methods to monitor the effectiveness of the disinfection process could expose customers to pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

24 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended, calculated from the record review date, February 24, 2012, to the screening date, March 19, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$610

Violation Final Penalty Total \$582

This violation Final Assessed Penalty (adjusted for limits) \$582

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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

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	\$780	21-Jun-2011	19-Mar-2012	0.75	\$29	\$581	\$610
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

The avoided cost includes the estimated amount necessary to calibrate the manual disinfectant analyzer using chlorine solutions of known concentration (\$65 per month, annualized), calculated from the investigation date initially documenting the violation to the screening date.

Approx. Cost of Compliance

\$780

TOTAL

\$610

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description

Failed to provide ground storage tanks ("GSTs") designed in strict accordance with American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, at the time of the investigation, it was documented that the gap between the overflow pipe and the overflow cover was greater than 1/16 inch on the Facility's two 2,800 gallon GSTs.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have an appropriately hinged overflow cover on the GST could expose customers to insignificant amounts of pollutants, which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events are recommended (one event for each GST).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$233

This violation Final Assessed Penalty (adjusted for limits) \$233

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 6

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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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	21-Jun-2011	26-Jun-2012	1.02	\$1	\$20	\$21
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide the GSTs with properly designed overflows that have gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch, calculated from the investigation date initially documenting the violation to the 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

\$300

TOTAL

\$21

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.143(c)(4)

Violation Description

Failed to provide the Dara Lane GST with an operable and easily readable liquid level indicator.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have a liquid level indicator on the GST could expose customers to insignificant amounts of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

1

24 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$116

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

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$200	21-Jun-2011	26-Jun-2012	1.02	\$1	\$14	\$14
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 cost includes the estimated amount to install a liquid level indicator on the Dara Lane GST, calculated from the investigation date initially documenting the violation to the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$200

TOTAL

\$14

Screening Date 19-Mar-2012
Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Docket No. 2012-0779-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility has 28 connections require a minimum pressure tank capacity of 560 gallons; however, the Facility only provides a pressure tank capacity of 163 gallons, indicating a 70.9% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inadequate pressure tank capacity could result in water outages and backflow problems exposing customers to contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

1

24 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended, calculated from the record review date, February 24, 2012, to the screening date, March 19, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$71

Violation Final Penalty Total \$582

This violation Final Assessed Penalty (adjusted for limits) \$582

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 8

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	\$1,000	21-Jun-2011	26-Jun-2012	1.02	\$3	\$68	\$71
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 cost includes the estimated amount to purchase and install additional pressure tank(s) to meet the minimum pressure tank capacity, calculated from the investigation date initially documenting the violation to the 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

\$71

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that the Facility has 28 connections require a minimum service pump capacity of 56 gallons per minute ("gpm"); however, the Facility only provides a service pump capacity of 25 gpm, indicating a 55.3% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide adequate service pump capacity may limit the Facility's ability to supply water to all parts of the distribution system which could expose customers to contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 24

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$250

One monthly event is recommended, calculated from the record review date, February 24, 2012, to the screening date, March 19, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$121

Violation Final Penalty Total \$582

This violation Final Assessed Penalty (adjusted for limits) \$582

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 9

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,700	21-Jun-2011	26-Jun-2012	1.02	\$6	\$115	\$121
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 cost includes the estimated amount to purchase and install additional service pump(s) to meet the minimum service pump capacity, calculated from the investigation date initially documenting the violation to the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$1,700

TOTAL

\$121

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to properly seal the wellhead with a gasket or sealing compound. Specifically, at the time of the investigation, it was documented that the Respondent has not properly sealed the gap between the wellhead and the well casing.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly seal the wellhead with a gasket or sealing compound could allow significant amounts of contaminants to enter into the water supply and expose customers to contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the record review date, February 24, 2012, to the screening date, March 19, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$233

This violation Final Assessed Penalty (adjusted for limits) \$233

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 10

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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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$62	21-Jun-2011	26-Jun-2012	1.02	\$0	\$4	\$4
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly seal the wellhead, calculated from the investigation date initially documenting the violation to the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$62

TOTAL

\$4

Screening Date 19-Mar-2012
Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Docket No. 2012-0779-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

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 Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 11

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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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$123	21-Jun-2010	21-Jun-2011	1.00	\$6	\$123	\$129
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

The avoided cost includes the amount to perform an annual GST inspection (\$41 per tank), calculated for the 12 months preceding the investigation initially documenting the violation.

Approx. Cost of Compliance

\$123

TOTAL

\$129

Screening Date 19-Mar-2012

Docket No. 2012-0779-PWS-E

PCW

Respondent Henry M. Garza dba Cielo Azul Ranch

Policy Revision 2 (September 2002)

Case ID No. 38934

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101217792

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description Failed to calibrate the well meter at least once every three years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to calibrate the well meter could result in the operator obtaining inaccurate well production data, resulting in customers being exposed to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$116

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

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 12

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

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]	\$31	21-Jun-2008	21-Jun-2011	3.92	\$6	\$31	\$37
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the well meter, calculated for the three years prior to the investigation initially documenting the violation.

Approx. Cost of Compliance

\$31

TOTAL

\$37

Screening Date 19-Mar-2012
Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson

Docket No. 2012-0779-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to inspect the Facility's two pressure tanks annually.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

Failure to inspect a pressure tank could result in undetected tank defects and a loss of tank integrity exposing customers to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events: 2 24 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

Violation Base Penalty \$500

Two annual events are recommended (one event for each pressure tank).

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$86

Violation Final Penalty Total \$1,164

This violation Final Assessed Penalty (adjusted for limits) \$1,164

Economic Benefit Worksheet

Respondent Henry M. Garza dba Cielo Azul Ranch
Case ID No. 38934
Reg. Ent. Reference No. RN101217792
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

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

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	\$82	21-Jun-2010	21-Jun-2011	1.00	\$4	\$82	\$86
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

The avoided cost includes the amount to perform the annual pressure tank inspections (\$41 per tank), calculated for the 12 months preceeding the the investigation initially documenting the violation.

Approx. Cost of Compliance

\$82

TOTAL

\$86

Compliance History Report

Customer/Respondent/Owner-Operator: CN600659882 GARZA, HENRY M Classification: AVERAGE Rating: 3.01

Regulated Entity: RN101217792 CIELO AZUL RANCH Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1050034
EDWARDS AQUIFER REGISTRATION 11-04041401
EDWARDS AQUIFER REGISTRATION 11-04041401

Location: RANCH-TO-MARKET ROAD 32, NEAR WIMBERLEY, HAYS COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: March 5, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 05, 2007 to March 05, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Andrea Linson Phone: (512) 239-1482

Site Compliance History Components

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, who is the current owner/operator? N/A
4. If YES, 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 :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/19/2011

ADMINORDER 2010-0020-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide records for the amount of chemicals used each week.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to provide records for the amount of water treated each week.

Classification: Minor

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

Description: Failure to provide a record of service agreement or plumbing ordinance for the water system.

Classification: Minor

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

Description: Failure to provide records of dead-end mains flushing.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan for the water system.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)

Description: Failure to issue a Boil Water Notice within 24 hours of becoming aware of a water outage.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)

30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to properly maintain the pump station located on Dara Lane.

Classification: Minor

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

Description: Failure to securely install electrical wiring in compliance with local or national electrical code.

Effective Date: 07/31/2011

ADMINORDER 2010-1171-PWS-E

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 2007 to its bill-paying customers.

Classification: Minor

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 2007 CCR year to the TCEQ.

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 2008 to its bill-paying customers.

Classification: Minor

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 2008 CCR year to the TCEQ.

- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/19/2008	(617778)	9	07/21/2009	(934697)
2	12/08/2009	(784946)	10	03/27/2009	(934702)
3	05/07/2010	(801005)	11	12/22/2010	(934708)
4	11/03/2009	(802150)	12	06/24/2011	(934955)
5	06/14/2010	(824283)	13	08/26/2011	(950022)
6	06/16/2011	(934343)	14	01/03/2012	(970323)
7	06/16/2011	(934671)	15	02/29/2012	(989118)
8	10/01/2009	(934689)			

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

Date: 02/20/2008 (617778) CN600659882

Self Report? NO Classification: Minor

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

Description: Failure to properly seal the wellhead to prevent the possibility of contaminating the well water.

Self Report? NO Classification: Minor

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

Description: Failure to maintain an intruder-resistant fence around the well site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failure to provide records for the amount of chemicals used each week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to provide records for the amount of water treated each week.

Self Report? NO Classification: Minor

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

Description: Failure to provide a record of service agreement or plumbing ordinance for the water system.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to provide records of dead-end mains flushing.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to provide annual tank inspections for each of the system's ground, elevated, and pressure tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)
30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to provide records of well meter calibration.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan for the water system.

Date: 01/14/2009 (801005) CN600659882

Self Report? NO 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 2007 to its bill-paying customers.
Self Report? NO Classification: Minor
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 2007 CCR year to the TCEQ.

Date: 03/27/2009 (934702) CN600659882

Self Report? NO 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 2008.

Date: 07/21/2009 (934697) CN600659882

Self Report? NO 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 2009.

Date: 10/01/2009 (934689) CN600659882

Self Report? NO 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.

Date: 11/03/2009 (802150) CN600659882

Self Report? NO 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 2008 to its bill-paying customers.

Self Report? NO Classification: Minor
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 2008 CCR year to the TCEQ.

Date: 06/16/2011 (934343) CN600659882

Self Report? NO 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.

Date: 06/16/2011 (934671) CN600659882

Self Report? NO 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.

Date: 08/30/2011 (950022) CN600659882

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain an adequate disinfectant residual in the distribution system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failure to monitor the disinfectant residual in the distribution system at least once per week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to maintain a record of accuracy checks on the manual disinfectant residual analyzer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to ensure that the overflow covers on the two 2800 gallon storage tanks are properly seated against the overflow pipe.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide an operable water level indicator on the ground storage tank located on Dara Lane.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)

Description: Failure to provide adequate pressure tank capacity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)

Description: Failure to provide adequate service pump capacity.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)(I)

Description: Failure to properly seal the wellhead.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to perform annual inspections of the facility's ground storage and pressure tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to maintain a copy of the well meter calibration certificate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

Description: Failure to maintain a copy of the bacteriological sample results for the water system.

Date: 12/28/2011 (970323) CN600659882

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
 Description: Failure to provide records for the amount of chemicals used each week.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
 Description: Failure to provide records for the amount of water treated each week.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 Description: Failure to provide records of dead-end mains flushing.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan for
 the water system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
 30 TAC Chapter 290, SubChapter D 290.46(m)
 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
 Description: Failure to properly maintain the pump station located on Dara Lane.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to securely install electrical wiring in compliance with local or national
 electrical code.

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
HENRY M. GARZA DBA CIELO AZUL	§	
RANCH	§	
RN101217792	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-0779-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Henry M. Garza dba Cielo Azul Ranch (“Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at Ranch-to-Market Road 32 near Wimberley, Hays County, Texas (the “Facility”) that has approximately 28 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not have the following documents available for review: a record of the amount of chemicals used each week, a record of the volume of water treated each week, and bacteriological sample results.
3. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not have a service agreement or plumbing ordinance that had been adopted for the Facility.
4. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not develop and maintain an up-to date chemical and microbiological monitoring plan.
5. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.
6. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations.
7. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent's two 2,800 gallon ground storage tank ("GST") overflow pipes and covers had gaps greater than 1/16 inch.
8. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not provide the Dara Lane GST with an operable and easily readable liquid level indicator.
9. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent's 28 connections require a minimum pressure tank capacity of 560 gallons; however, the Facility only provides a pressure tank capacity of 163 gallons, indicating a 70.9% deficiency.
10. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent's 28 connections require a minimum service pump capacity of 56 gallons per minute ("gpm"); however, the Facility only provides a service pump capacity of 25 gpm, indicating a 55.3% deficiency.

11. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not properly seal the gap between the wellhead and the well casing.
12. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent had not inspected the Facility's three GSTs within the past 12 months.
13. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent did not calibrate the well meter at least once every three years.
14. During an investigation conducted on June 21, 2011 and a record review conducted on February 24, 2012, TCEQ staff documented that the Respondent had not inspected the Facility's two pressure tanks within the past 12 months.
15. The Respondent received notice of the violations on March 3, 2012.
16. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility, as of June 26, 2012:
 - a. Adopted an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted;
 - b. Began calibrating the manual disinfectant residual analyzers using chlorine solutions of known concentrations and perform this calibration at least once every 30 days;
 - c. Provided the GST overflows with gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch;
 - d. Provided the Dara Lane GST with an operable and easily readable liquid level indicator;
 - e. Began providing a minimum pressure tank capacity of 20 gallons per connection;
 - f. Provided two or more service pumps having a total capacity of 2.0 gpm per connection;
 - g. Properly sealed the gap in the wellhead with a gasket or approved sealing compound;
 - h. Conducted annual inspections of the Facility's three GSTs;
 - i. Calibrated the well meter; and

- j. Conducted annual inspections of the Facility's two pressure tanks.

II. CONCLUSIONS OF LAW

1. The 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 Findings of Fact No. 2, the Respondent failed to provide Facility records to Commission personnel at time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), and (f)(3)(D)(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.a.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.d.i.
4. As evidenced by Findings of Fact No. 4, the Respondent failed to develop and maintain an up-to date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, specifies the analytical procedures, and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order 2010-0020-PWS-E, Ordering Provision No. 2.b.i.
5. As evidenced by Findings of Fact No. 5, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to calibrate the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to provide ground storage tanks ("GSTs") designed in strict accordance with American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide the Dara Lane GST with an operable and easily readable liquid level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to provide a minimum pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

10. As evidenced by Findings of Fact No. 10, the Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
11. As evidenced by Findings of Fact No. 11, the Respondent failed to properly seal the wellhead with a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
12. As evidenced by Findings of Fact No. 12, the Respondent failed to inspect the Facility's three GSTs annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
13. As evidenced by Findings of Fact No. 13, the Respondent failed to calibrate the well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
14. As evidenced by Findings of Fact No. 14, the Respondent failed to inspect the Facility's two pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of Five Thousand Four Hundred Two Dollars (\$5,402) 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(b). The Respondent has paid One Hundred Fifty-Two Dollars (\$152) of the administrative penalty. The remaining amount of Five Thousand Two Hundred Fifty Dollars (\$5,250) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Fifty Dollars (\$150) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand Four Hundred Two Dollars (\$5,402) as set forth in Section II, Paragraph 16 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Henry M. Garza dba Cielo Azul Ranch, Docket No. 2012-0779-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order: begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - ii. Begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: a record of the amount of chemicals used each week, a record of the volume of water treated each week, and bacteriological sample results and make them readily available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Develop an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to

comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii through 2.b.iii. The certification shall be notarized by a State of Texas Notary Public and 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 fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Mowery
For the Executive Director

11/25/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Henry M. Garza dba Cielo Azul Ranch. I am authorized to agree to the attached Agreed Order on behalf of Henry M. Garza dba Cielo Azul Ranch, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Henry M. Garza dba Cielo Azul Ranch waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.

Henry M. Garza
Signature

6/29-14
Date WmG

HENRY M GARZA
Name (Printed or typed)
Authorized Representative of
Henry M. Garza dba Cielo Azul Ranch

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.