

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49556
Shawn M. Horvath DBA Aero Valley Water Service
RN101198331
Docket No. 2014-1598-PWS-E

Order Type:

Default Order

Media:

Public Water System ("PWS")

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

East of Interstate 35 West on Farm-to-Market Road 1171, one-half mile south on Cleveland Gibbs Road at Northwest Regional Airport in Roanoke, Denton County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: Total Amount of Past-Due Penalties - \$42,883.01

All accounts returned as uncollectable:

\$11,155.85 (2011-0489-PWS-E);

\$6,219.08 (2010-0619-PWS-E);

\$6,108.08 (2008-0962-PWS-E); and

\$19,400 (2002-0867-PWS-E)

Past-Due Fees: \$2,330.31 (Acct. No. 90610243)

Other: None

Interested Third-Parties: None

Texas Register Publication Date: April 24, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$95

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$95

Compliance History Classifications:

Person/CN –Unclassified

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49556
Shawn M. Horvath DBA Aero Valley Water Service
RN101198331
Docket No. 2014-1598-PWS-E

Investigation Information

Complaint Date(s): May 27, 2014
Complaint Information: Alleged that there was a leak in the distribution line.
Date(s) of Investigation: September 10, 2014
Date(s) of NOV(s): July 21, 2014
Date(s) of NOE(s): October 9, 2014

Violation Information

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition and free of excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
Respondent repaired the leak in the distribution line on September 14, 2014.
Technical Requirements:
N/A

Litigation Information

Date Petition(s) Filed: February 5, 2015
Date Green Card(s) Signed: February 28, 2015
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Elizabeth Harkrider, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, (210) 403-4016
TCEQ Regional Contact: Jeff Tate, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Shawn M. Horvath, 5281 Kelly Drive, Roanoke, Texas 76262
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	13-Oct-2014	Screening	23-Oct-2014	EPA Due	
	PCW	29-Dec-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Shawn M. Horvath dba Aero Valley Water Service
Reg. Ent. Ref. No.	RN101198331
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49556	No. of Violations	1
Docket No.	2014-1598-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Montgomery
		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	\$50
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	90.0% Enhancement	Subtotals 2, 3, & 7	\$45
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Notes: Enhancement for one NOV with the same/similar violation, two default orders without a denial of liability and one default judgment.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3
 Estimated Cost of Compliance: \$200
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$95
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$95
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$95
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$95
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Screening Date 23-Oct-2014

Docket No. 2014-1598-PWS-E

PCW

Respondent Shawn M. Horvath dba Aero Valley Water Service

Policy Revision 4 (April 2014)

Case ID No. 49556

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101198331

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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 judgments 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	1	35%
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) 90%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violation, two default orders without a denial of liability and one default judgment.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 23-Oct-2014

Docket No. 2014-1598-PWS-E

PCW

Respondent Shawn M. Horvath dba Aero Valley Water Service

Policy Revision 4 (April 2014)

Case ID No. 49556

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101198331

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition and free of excessive solids. Specifically, it was documented that there was standing water in a ditch with cattails and aquatic vegetation growth in the area where there was a leaky distribution system line.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

4 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the investigation date, September 10, 2014, to the date of compliance, September 14, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$3

Violation Final Penalty Total \$95

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

Economic Benefit Worksheet

Respondent Shawn M. Horvath dba Aero Valley Water Service
Case ID No. 49556
Reg. Ent. Reference No. RN101198331
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	27-May-2014	14-Sep-2014	0.30	\$3	n/a	\$3

Notes for DELAYED costs
 The delayed cost of compliance includes the estimated amount to repair the leak in the distribution system line, calculated from the date of the investigation 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 \$200

TOTAL \$3

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600643563, RN101198331, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600643563, Shawn M. Horvath

Classification: UNCLASSIFIED

Rating: -----

Regulated Entity: RN101198331, AERO VALLEY WATER SERVICE

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: East of Interstate Highway 35 West on Farm-To-Market Road 1171, 1/2 mile south on Cleveland Gibbs Road at Northwest Regional Airport in Roanoke, Denton County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0610243

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: October 23, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 23, 2009 to October 23, 2014

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

Name: Katy Montgomery

Phone: (210) 403-4016

Site and Owner/Operator History:

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

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

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

1 Effective Date: 06/11/2011

ADMINORDER 2010-0619-PWS-E (Findings Order-Default)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of at least 200 gallons per connection.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a pressure tank capacity of at least 20 gallons per connection.

Classification: Moderate

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

Description: Failed to provide an intruder-resistant fence to protect the Facility's ground storage and pressure tanks.

Classification: Moderate

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

Description: Failed to maintain a residual disinfectant concentration of at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THSC Chapter 341, SubChapter A 341.034(b)

Description: Failed to ensure that the Facility is at all times operated under the direct supervision of a water works operator that holds a valid class "D" or higher license.

Classification: Moderate

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

Description: Failed to keep on file and make available for review an up-to-date record of water works operations and maintenance activities for operator review and reference.

Classification: Minor

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

Description: Failed to provide a flow measuring device for the Facility's well.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failed to compile and maintain a thorough plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)

Description: Failed to provide accurate metering devices at each residential, commercial, or industrial service connection.

Classification: Minor

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

Description: Failed to maintain copies of the well completion data such as well material setting data, geological data, sealing information, disinfection information, microbiological sampling results, and a chemical analysis report of a representative sample of water from the well on file at the Facility and to make the data available to the executive director upon request.

Classification: Minor

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

Description: Failed to post a legible sign at the water treatment facility that provides the name of the water supply and an emergency telephone number where a responsible official can be contacted.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

Citation: 30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90610243 for Fiscal Years 2003 through 2010 to the TCEQ in a timely manner.

2 Effective Date: 06/14/2012 ADMINORDER 2011-0489-PWS-E (Findings Order-Default)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Citation: 5A THSC Chapter 341, SubChapter A 341.033(d)

Rqmt Prov: 2008-0962-PWS-E, OP No. 2.a.i. ORDER

Description: TCR Routine Monitoring Violation 09/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 09/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Citation: 5A THSC Chapter 341, SubChapter A 341.033(d)

Rqmt Prov: 2008-0962-PWS-E, OP No. 2.a.i. ORDER

Description: TCR Routine Monitoring Violation 10/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 10/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Citation: 5A THSC Chapter 341, SubChapter A 341.033(d)

Rqmt Prov: 2008-0962-PWS-E, OP No. 2.a.i. ORDER

Description: TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Citation: 5A THSC Chapter 341, SubChapter A 341.033(d)

Rqmt Prov: 2008-0962-PWS-E ORDER

Description: TCR Routine Monitoring Violation 01/2010 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 01/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Citation: 5A THSC Chapter 341, SubChapter A 341.033(d)

Rqmt Prov: 2008-0962-PWS-E; OP No. 2.a.i. ORDER

Description: TCR Routine Monitoring Violation 11/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 11/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)

Description: Failed to locate the top of the waterline below the frost line and at least 24 inches below the ground surface.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third and fourth quarters of 2009 and the first and second quarters of 2010 but notices of violation were not sent.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008. This system also failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first, second, and third quarters of 2008 and the second, third, and fourth quarters of 2007 but notices of violation were not sent.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2007.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
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.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
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 290.274(c)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2006 CCR year to the TCEQ.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2006 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
2008-0962-PWS-E, OP No. 2.c. ORDER
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2007 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Rqmt Prov: 2008-0962-PWS-E, OP No. 2.b.i. ORDER
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(i)
Description: Failure to maintain well capacity of 0.6 gpm per connection at the system. Specifically, the system provides 15.2 gpm, but is required to provide 22.8 gpm.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)
Description: Failure to provide service pump capacity of 2.0 gpm per connection at the system. Specifically, the system provides 40 gpm, and is required to provide 76 gpm.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
Description: Failure to provide boil water notification to the customers of the system in the event of a water outage, within 24 hours of the water outage. On December 23, 2013, the TCEQ received notification that water service at the Facility had been out since December 19, 2013. The TCEQ contacted the Respondent, and the Respondent issued a boil water notice on December 23, 2013, four days after the disruption began.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Rqmt Prov: 2011-0489-PWS-E OPs 3.b.i., 3.c.i., 3.e.i. and 3.f.
Description: Failure to submit Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter for the first quarter of 2006 through the fourth quarter 2010.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter H 290.274(a)
Rqmt Prov: 2011-0489-PWS-E, OPs 2.c.ii., 3.b.ii and 3.c.i.
Description: Failure to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year for the years 2007 through 2009.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter H 290.274
Rqmt Prov: 2011-0489-PWS-E, OPs 3.c.ii. and 3.d.
Description: Failed to submit a copy of the annual Consumer Confidence Report ("CCR") and certification that the CCR has been distributed to each customers and that the information in the CCR is correct and consistent with the compliance monitoring data to the TCEQ by July 1 of each year for the years 2007 through 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
Description: NO3 MR YR2008 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2008 to 12/31/2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
Description: NO3 MR YR2009 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)
Description: MTL MR 3Y2009 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: TCR PN 8/2008- The system did not provide public notification for the failure to collect routine coliform monitoring for the month of August 2008.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 3Q2011 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the third quarter 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 4Q2011 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the fourth quarter 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 1Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 2Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine Monitoring Violation 03/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: MAR/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 03/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine Monitoring Violation 04/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: APR/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 04/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine Monitoring Violation 05/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine Monitoring Violation 06/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: JUN/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 06/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 07/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: JUL/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 07/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 08/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: AUG/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 08/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 09/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: SEP/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 09/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 10/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 11/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine Monitoring Violation 12/2012 - Failure to collect any routine monitoring sample(s).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)(4)
Description: DBP1 MR 3Y2009 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)(1)(B)
Description: RAD MR 3Y2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(2)
Description: VOC MR 3Y2010 - The system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 1Q2012 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the first quarter 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR YR2010 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 1Q2011 - Failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the first quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 2Q2011 - Failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a disinfectant monitoring and reporting violation during the second quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 3Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 4Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(1)
Description: SOC MR 3Y2011 - The system failed to monitor and/or failed to report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2009 to 12/31/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
Description: NO3 MR YR2011 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2011 to 12/31/2011.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 2Q2012 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the second quarter 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 1Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 2Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 3Q2012 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the third quarter 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 3Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 4Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: OCT/2012 TCR Routine Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued during the time period that public notice was required for failing to conduct coliform monitoring for the month of 10/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)(1)(B)
Description: RAD MR 3Y2012 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2010 to 12/31/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
Description: NO3 MR YR2012 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 4Q2012 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the fourth quarter 2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(c)(4)
Description: DBP1 MR 3Y2012 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2010 to 12/31/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: TCR Routine MR Violation 01/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
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 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 11/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine MR Violation 02/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DEC/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 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine MR Violation 03/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: JAN/2013 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 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 01/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine MR Violation 04/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: FEB/2013 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 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 02/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)
Description: TCR Routine MR Violation 05/2013 - Failure to collect and/or submit any routine monitoring sample(s) within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR PN 1Q2013 - The system failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the first quarter 2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
Description: PbCu RT MR 1st 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2011 to 06/30/2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
Description: PbCu RT MR 2nd 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2011 to 12/31/2011 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
Description: PbCu IN MR 1st 6M2010 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2010 to 06/30/2010 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
Description: PbCu IN MR 2nd 6M2010 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2010 to 12/31/2010 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
Description: PbCu IN MR 1st 6M2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2013 to 06/30/2013 within the required timeline.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
Description: TCR Routine MR Violation 06/2013 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 29, 2010	(784447)
Item 2	June 25, 2014	(1177675)
Item 3	July 31, 2014	(1185426)
Item 4	August 15, 2014	(1190410)
Item 5	September 12, 2014	(1193066)
Item 6	September 29, 2014	(1196328)

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: 07/21/2014 (1180292) CN600643563
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all distribution lines in a watertight condition. EIC B19.C(7) MOD(2)(G)

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
SHAWN M. HORVATH DBA
AERO VALLEY WATER SERVICE;
RN101198331**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-1598-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Shawn M. Horvath DBA Aero Valley Water Service ("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 East of Interstate 35 West on Farm-to-Market Road 1171, one-half mile south on Cleveland Gibbs Road at Northwest Regional Airport in Roanoke, Denton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 38 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 an investigation conducted on September 10, 2014, an investigator documented that Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition and free of excessive solids. Specifically, there was standing water in a ditch with cattails and aquatic vegetation growth in the area where there was a leaky distribution system line.
3. The Executive Director recognizes that Respondent repaired the leak in the distribution line by September 14, 2014.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Shawn M. Horvath DBA Aero Valley Water Services" (the "EDPRP") in the TCEQ Chief Clerk's office on February 5, 2015.
5. By letter dated February 5, 2015, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on February 28, 2015, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. 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.
5. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of ninety-five dollars (\$95.00) 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.
7. 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 ninety-five dollars (\$95.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations which are not raised here.
2. The 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 TCEQ and shall be sent with the notation "Re: Shawn M. Horvath DBA Aero Valley Water Service; Docket No. 2014-1598-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. 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.

5. 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.
6. 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.
7. 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.
8. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF MICHAEL VITRIS

STATE OF TEXAS

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COUNTY OF TRAVIS

"My name is Michael Vitris. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Shawn M. Horvath DBA Aero Valley Water Services" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 5, 2015.

The EDPRP was mailed to Respondent's last known address on February 5, 2015, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on February 28, 2015, as evidenced by the signature on the card.

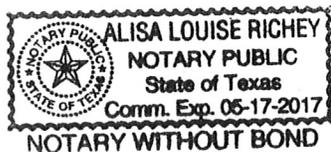
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



Michael Vitris, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 18 day of March, A.D. 2015.



Notary Public, State of Texas