

EXECUTIVE SUMMARY
Shawn M. Horvath d/b/a Aero Valley Water Service
RN101198331
Docket No. 2015-1594-UCR-E

Order Type:

Order Modifying Emergency Order Appointing a Temporary Manager of a Water Utility

Media:

public drinking water

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, Denton County, Texas

Type of Operation:

Retail public drinking water utility (the "Utility")

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$42,9780.01
Past-Due Fees:	\$2,368.85 (referred for collection)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: N/A

Comments Received: Pursuant to TEX. WATER CODE § 7.075, publication is not required for an Emergency Order.

Penalty Information

Total Penalty Assessed: N/A

Total Paid to General Revenue: N/A

Total Due to General Revenue: N/A

Compliance History Classifications:

Person/CN –N/A
 Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: N/A

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Investigation Information

Complaint Date(s): October 21, 2015
Complainant information: Complainant reported there had been a water outage for four days.
Date(s) of Investigation: October 22, 2015 and October 26, 2015
Date(s) of NOV(s): N/A
Date(s) of NOE(s): N/A

Violation Information

Abandoned operations [TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

1. This Order is effective on October 26, 2015, the date executed by the Executive Director.
2. Immediately, Eric Tamayo ("Mr. Tamayo") is appointed to temporarily manage and operate the Utility.
3. Within sixty (60) days, Mr. Tamayo shall provide the Executive Director with an inventory of all Utility property received.
4. Mr. Tamayo shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order (April 20, 2016), whichever occurs first.
5. Mr. Tamayo is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
6. Mr. Tamayo's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
7. Mr. Tamayo's compensation will come from Utility revenues in the amount of twelve dollars (\$12.00) per month per connection.
8. Mr. Tamayo shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).

Litigation Information

Date Petition(s) Filed: N/A
Date Green Card(s) Signed: N/A
Date Answer(s) Filed: N/A

EXECUTIVE SUMMARY
Shawn M. Horvath d/b/a Aero Valley Water Service
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Docket No. 2015-1594-UCR-E

Contact Information

TCEQ Attorneys: Meaghan Bailey, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Vic McWherter, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: N/A

TCEQ Regional Contact: Jeff Tate, Dallas/Fort Worth, (817) 588-5700

Respondent Contact: Shawn M. Horvath, Aero Valley Water Service, 5281 Kelly Drive, Roanoke, Texas 76262

Respondent's Attorney: N/A

Background Facts:

1. The Utility provides potable water service for compensation to approximately 38 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. No other source of water is available to the customers of the Utility.
2. Respondent discontinued operations of the Utility, has not provided an alternate source of potable water, and repairs are necessary to ensure continuous and adequate water service. Shawn M. Horvath serves as the sole owner and operator of the Utility. No additional personnel are employed or authorized to operate the Utility.
3. On June 29, 2005, the Commission issued Default Order Docket No. 2002-0867-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. On July 8, 2009, the Commission issued Default Order Docket No. 2008-0962-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. On May 11, 2011, the TCEQ issued Default Order Docket No. 2010-0619-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. On May 16, 2012, the TCEQ issued Default Order Docket No. 2011-0489-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service.
4. On May 21, 2012, TCEQ Docket Nos. 2008-0962-PWS-E and 2010-0619-PWS-E were referred to the Office of the Attorney General ("OAG") due to Mr. Horvath's failure to comply with Final Commission Orders and continuous violations of Commission rules. On August 10, 2012, the TCEQ referred Default Order Docket No. 2011-0489-PWS-E as well as continuing violations of TCEQ Default Order Nos. 2008-0962-PWS-E and 2010-0619-PWS-E, to the OAG for enforcement.
5. On July 2, 2014, the 261st District Court of Travis County signed a Final Default Judgment and Permanent Injunction ("Default Judgment") against Mr. Horvath on behalf of the TCEQ. Investigations conducted from January 30, 2015 through March 6, 2015 and May 4, 2015 through May 15, 2015, documented Mr. Horvath's failure to comply with the Default Judgment. On June 3, 2015, the TCEQ issued Default Order Docket No. 2014-1598-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. On July 24, 2015, TCEQ referred Mr. Horvath back to the OAG to pursue contempt of the Default Judgment.
6. On December 23, 2013, and April 11, 2014, the TCEQ received a complaint of water outages at the Utility. Each complaint was investigated and confirmed by a TCEQ Dallas/Fort Worth Regional investigator.
7. On October 20, 2015, Mr. Horvath informed TCEQ the Utility was experiencing a water outage since October 17, 2015 and he did not plan to provide an alternate source of water. On October 21, 2015, TCEQ received a complaint of a water outage from a Utility customer. The complaint was investigated and confirmed by a TCEQ Dallas/Fort Worth Regional investigator. On October 26, 2015, the TCEQ Dallas/Fort Worth Water Section Manager confirmed the Utility was still experiencing a water outage.

EXECUTIVE SUMMARY

**Shawn M. Horvath d/b/a Aero Valley Water Service
RN101198331
Docket No. 2015-1594-UCR-E**

8. A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service.
9. Immediate repairs on the Utility are necessary to ensure that the Utility operates in a safe manner and provides water that is safe for public use and consumption.
10. A temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption.
11. On October 26, 2015, the Executive Director issued an Emergency Order appointing Eric Tamayo as Temporary Manager for the Utility. On October 27, 2015, water service was restored to the Utility and a boil water notice was issued.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
SHAWN M. HORVATH DBA AERO
VALLEY WATER SERVICE;
RN101198331**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**ORDER MODIFYING EMERGENCY ORDER
DOCKET NO. 2015-1594-UCR-E**

On December 9, 2015, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order (the "Emergency Order") regarding Shawn M. Horvath d/b/a Aero Valley Water Service ("Horvath"). The Emergency Order was issued by the Executive Director without a hearing on October 26, 2015. The Emergency Order was hand delivered to Horvath on October 26, 2015. The Emergency Order and the notice of the December 9, 2015, agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and via first class mail, postage prepaid, to Horvath's last known address on October 27, 2015. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in Chapters 5 and 13 of the Texas Water Code have been satisfied.

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

The October 26, 2015, the Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed with the following modifications:

1. In order to show the history of confirmed water outages at the Utility for the past two years, the following Finding of Fact shall be inserted as Finding of Fact No. 12 and all subsequent Findings of Fact renumbered: "On December 23, 2013, TCEQ received a complaint of a water outage from a Utility customer. On January 3, 2014, a TCEQ Dallas/Fort Worth Regional Investigator performed an investigation at the Utility, during which Horvath confirmed that a water outage occurred from December 19, 2013 to December 23, 2013."
2. In order to show the history of confirmed water outages at the Utility for the past two years, the following Finding of Fact shall be inserted as Finding of Fact No. 13 and all subsequent Findings of Fact renumbered: "On April 11, 2014, TCEQ received a complaint of a water outage from a Utility customer. A TCEQ Dallas/Fort Worth Regional investigator performed an investigation of the Utility from April 1, 2014 through April 15, 2014, and determined that a water outage occurred on April 11, 2014."
3. In order to demonstrate the lack of authorized personnel available to operate the Utility, the following Finding of Fact shall be inserted as Finding of Fact No. 21 (after former Finding of Fact No. 18, renumbered as Finding of Fact No. 20) and all subsequent Findings of Fact renumbered: "Horvath serves as the sole owner and operator of the Utility. No additional personnel are employed or authorized to operate the Utility."

4. In order to account for the inclusion of the three additional Findings of Fact, as well as former Findings of Fact Nos. 5 through 17, that support appointment of a temporary manager, Conclusions of Law No. 2 shall be revised to replace "3 and 18" with "3 and 5 through 21."

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Attachment A

**EMERGENCY ORDER APPOINTING
A TEMPORARY MANAGER
OF A WATER UTILITY**

Signed by the Executive Director on October 26, 2015

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 27, 2015

Via Certified Mail Return Receipt Requested
Article No. 7013 3020 0001 1906 1846
Via First Class Mail, Postage Pre-Paid

Shawn M. Horvath d/b/a Aero Valley Water Service
5281 Kelly Drive
Roanoke, Texas 76262

Re: Shawn M. Horvath d/b/a Aero Valley Water Service
TCEQ DOCKET NO. 2015-1594-UCR-E
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. Horvath:

On October 23, 2015, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made the subject to this order is Shawn M. Horvath d/b/a Aero Valley Water Service. The Emergency Order appointed Eric Tamayo as temporary manager of the 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, Denton County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on October 23, 2015. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **December 9, 2015**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order.** An Administrative Law Judge will be

Shawn M. Horvath d/b/a Aero Valley Water Service
October 27, 2015
Page 2

available to conduct a hearing at Agenda on December 9, 2015. If you have any questions, please contact the TCEQ Litigation Division at (512) 239-3400.

Sincerely,



Joel Cordero, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality
Joel.Cordero@tceq.texas.gov

Enclosure

cc: Jeff Tate, Water Section Manager, Dallas/Fort Worth Regional Office
Alex Latham, Receivership Coordinator
Vic McWherter, Office of Public Interest Counsel
Eric Tamayo c/o Town of Northlake, Town Hall, 1400 Farm-to-Market Road
407, Northlake, Texas 76247

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard. A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TCEQ DOCKET NO. 2015-1594-UCR-E

IN THE MATTER OF	§	BEFORE THE
AN ENFORCEMENT ACTION AGAINST	§	
SHAWN M. HORVATH DBA	§	TEXAS COMMISSION ON
AERO VALLEY WATER SERVICE;	§	
RN101198331;	§	ENVIRONMENTAL QUALITY

EMERGENCY ORDER APPOINTING A TEMPORARY MANAGER OF A WATER UTILITY

On October 26, 2015, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, and 291. The party made subject to this order is Shawn M. Horvath d/b/a Aero Valley Water Service ("Horvath").

I. FINDINGS OF FACT

1. Horvath 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, Denton County, Texas (the "Utility").
2. The Utility provides potable water service for compensation to approximately 38 service connections, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption. As such, the Utility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
3. The TCEQ alleges that the Utility discontinued the provision of service, has not provided an alternate source, and necessary repairs are required to ensure continuous and adequate water service.
4. Commission records show that the mailing address for Horvath is 5281 Kelly Drive, Roanoke, Texas 76262. In the most recent action by the Office of the Attorney General ("OAG") against Horvath, the OAG was unable to find and

- serve Horvath in Texas, which resulted in Horvath being served in Washington state. However, TCEQ has been informed that Horvath is residing at the address referenced above although he may be planning a move to Las Vegas.
5. No other source of water is available to the more than 25 people whose water is supplied by the Utility.
 6. On June 29, 2005, the Commission issued Default Order Docket No. 2002-0867-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. ("Exhibit A")
 7. On July 8, 2009, the Commission issued Default Order Docket No. 2008-0962-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. ("Exhibit B")
 8. On May 11, 2011, the TCEQ issued Default Order Docket No. 2010-0619-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. ("Exhibit C")
 9. On May 16, 2012, the TCEQ issued Default Order Docket No. 2011-0489-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. ("Exhibit D")
 10. On May 21, 2012, TCEQ Docket Nos. 2008-0962-PWS-E and 2010-0619-PWS-E were referred to the Office of the Attorney General ("OAG") due to Horvath's failure to comply with Final Commission Orders and continuous violations of Commission rules.
 11. On August 10, 2012, the TCEQ referred Default Order Docket No. 2011-0489-PWS-E as well as continuing violations of TCEQ Default Order Nos. 2008-0962-PWS-E and 2010-0619-PWS-E, to the OAG for enforcement.
 12. On July 2, 2014, the 261st District Court of Travis County signed a Final Default Judgment and Permanent Injunction ("Default Judgment") against Horvath on behalf of the TCEQ. ("Exhibit E")
 13. Investigations conducted from January 30, 2015 through March 6, 2015 and May 4, 2015 through May 15, 2015, documented Horvath's failure to comply with the Default Judgment.
 14. On June 3, 2015, the TCEQ issued Default Order Docket No. 2014-1598-PWS-E against Shawn M. Horvath d/b/a Aero Valley Water Service. ("Exhibit F")
 15. On July 24, 2015, TCEQ referred Horvath back to the OAG to pursue contempt of the Default Judgment.
 16. On October 20, 2015, Horvath informed TCEQ the Utility was experiencing a water outage since October 17, 2015 and he did not plan to provide an alternate source of water.
 17. On October 21, 2015, TCEQ received a complaint of a water outage from a

- Utility customer. The complaint was investigated and confirmed by a TCEQ Dallas/Fort Worth Regional investigator.
18. As of October 26, 2015, the Utility is still experiencing a water outage and Horvath has not provided an alternate source of water for the Utility's customers.
 19. A potential health hazard exists as a result of the Utility's failure to provide continuous and adequate service. Immediate repairs on the Utility are necessary to ensure the quality of the water in the State and to ensure the Utility operates in a safe manner and meets requirements in the Texas Water Code, the Texas Health and Safety Code, and TCEQ rules. Therefore, a temporary manager is necessary to assume operations of the Utility to ensure the quality of the water meets TCEQ rule requirements and complies with the Texas Water Code as well as the Texas Health and Safety Code, and is safe for public use and consumption. Although TCEQ has been informed that a well driller is onsite, it has been unable to confirm whether Horvath has hired the well driller or if repairs have been made.
 20. Eric Tamayo, in his capacity as Public Works Director for the Town of Northlake, has agreed to serve as temporary manager of the Utility. Mr. Tamayo can be reached by telephone at (940) 242-5704 and his mailing address is c/o Town of Northlake, Town Hall, 1400 Farm-to-Market Road 407, Northlake, Texas 76247.
 21. This Order is necessary to ensure that continuous and adequate water service is provided to the customers of the Utility to effectuate the purposes of the Texas Water Code and the Texas Health and Safety Code.

II. CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Horvath owns and operates the retail public utility as defined in TEX. WATER CODE § 13.002(19).
2. Findings of Fact Nos. 3 and 18 show that the Utility has abandoned operations and that the appointment of a temporary manager is justified as defined in TEX. WATER CODE §§ 13.412(f) and 13.4132 and 30 TEX. ADMIN. CODE § 291.142(c).
3. TEX. WATER CODE § 13.4132 authorizes the Commission to appoint a willing person to temporarily manage and operate a utility if the utility has discontinued service or abandoned operations or the provision of services or has been or is being referred to the Attorney General for the appointment of a receiver under TEX. WATER CODE § 13.412.
4. TEX. WATER CODE § 5.507 provides that the Commission may issue an Emergency Order appointing a willing person to temporarily manage and operate a utility under TEX. WATER CODE § 13.4132.

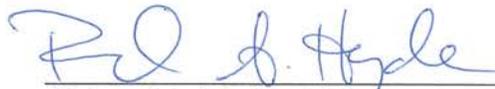
5. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.501(b) and 30 TEX. ADMIN. CODE § 35.25.
6. TEX. WATER CODE § 5.501(c) and 30 TEX. ADMIN CODE §§ 35.12 and 291.143(a) authorize the TCEQ Executive Director to issue this Emergency Order.
7. TEX. WATER CODE §§ 5.501 and 5.507 and 30 TEX. ADMIN. CODE § 291.143(a) authorize the Executive Director to appoint a person to temporarily manage and operate a utility that has discontinued or abandoned operations or which is being referred to the office of the Attorney General for the appointment of the receiver.
8. TEX. WATER CODE § 13.4132 provides to the temporary manager the powers and duties necessary to ensure continued operation of the utility and the provision of continuous and adequate services to customers including the power and duty to read meters, bill for services, collect revenues, disburse funds, access all system components, and request rate increases.
9. Notice of the emergency order, once it has been issued, is adequate if the notice is mailed or hand delivered to the last known address of the Utility's headquarters, in accordance with TEX. WATER CODE § 5.507. The last known address of Horvath is set forth in Finding of Fact No. 4.

III. ORDER

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. October 26, 2015.
2. Immediately upon the effective date of this Emergency Order, Mr. Tamayo is hereby appointed to temporarily manage and operate the Utility.
3. Mr. Tamayo shall serve as temporary manager until such time as a receiver is appointed to operate the Utility by a court of proper jurisdiction, or 180 days after the effective date of this Order i.e. April 20, 2016, whichever occurs first.
4. Mr. Tamayo is authorized to exercise those powers and duties necessary to ensure the continued operations of the Utility and the provision of continuous and adequate services to customers, including the powers and duties set forth in TEX. WATER CODE § 13.4132.
5. Mr. Tamayo shall give the Executive Director an inventory of all Utility property received within sixty (60) days of the effective date of this Order.
6. Mr. Tamayo's requirement to post financial assurance with the TCEQ in an amount and type acceptable to the Executive Director has been waived by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 291.143(c).
7. Mr. Tamayo's compensation will come from Utility revenues in the amount of

- twelve dollars (\$12.00) per month per connection.
8. Mr. Tamayo shall report to the Executive Director on a monthly basis in accordance with 30 TEX. ADMIN. CODE § 291.143(h).
 9. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on December 9, 2015 at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the December 9, 2015 Agenda meeting, Horvath may request an evidentiary hearing pursuant to 30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.**
 10. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Richard A. Hyde, P.E.
Executive Director

AFFIDAVIT OF JOEL CORDERO

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

My name is Joel Cordero. I am a staff attorney in the Office of Legal Services at the Texas Commission on Environmental Quality ("TCEQ"). 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 October 27, 2015, on behalf of the Executive Director of the TCEQ, I sent via Certified Mail Return Receipt Requested (Article No. 7013 3020 0001 1906 1846), and via First Class Mail, postage prepaid to Shawn M. Horvath at 5281 Kelly Drive, Roanoke, Texas 76262, the October 26, 2015 Emergency Order, TCEQ Docket No. 2015-1594-UCR-E and the Notice of Hearing to Modify, Affirm, or Set Aside the October 26, 2015 Emergency Order, TCEQ Docket No. 2015-1594-UCR-E.



Joel Cordero, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

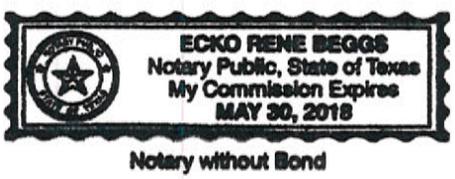
Before me, the undersigned authority, on this day personally appeared Joel Cordero, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 13th day of November A.D., 2015.

Notary Stamp



Notary Signature



AFFIDAVIT OF JEFF TATE

STATE OF TEXAS

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§
§

COUNTY OF TARRANT

My name is Jeff Tate. I am the Water Section Manager for the Dallas/Fort Worth office of the Texas Commission on Environmental Quality. 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.

Shawn M. Horvath ("Mr. Horvath") is the owner of the Aero Valley Water Service Utility, located east of Interstate 35 West on Farm-to-Market Road 1171, one-half mile south on Cleveland Gibbs Road at Northwest Regional Airport, Denton County, Texas (the "Utility").

On October 26, 2015, at approximately 4:00 p.m. I arrived at Mr. Horvath's last known residence to personally deliver Emergency Order, TCEQ Docket No. 2015-1594-UCR-E in the matter of Shawn M. Horvath d/b/a Aero Valley Water Service ("Emergency Order") to Mr. Horvath. According to the Denton County Appraisal District website, the legal description of Mr. Horvath's last known residence is "A1420a Fm Woodward, Tr 206, .16 Acres, Old Dcad Tr 1 Sht 1" and the property identification number is 73699 ("Property 73699"). Additionally, the Denton County Appraisal District website cites Mr. Horvath as the owner of Property 73699

I was unable to find Mr. Horvath at Property 73699. Consequently, I affixed the Emergency Order to the Utility's pump house, which is located at Property 73699. This location was chosen as it was evident that work was being done on the Utility's well and the pump house would have to be accessed to activate the well.

I also affixed the Emergency Order to the door of a recreational vehicle that was parked in the driveway of Property 73699. This location was chosen, as a neighbor indicated that Mr. Horvath was living in the recreational vehicle.

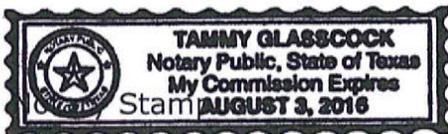
On October 26, 2015, at approximately 4:15 p.m., I was able to confirm that the Utility was not providing water service to the Utility's customers by activating an outside faucet on a residence located on Kelly Drive. I observed that the residence had no water.

Jeff Tate

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day appeared Jeff Tate, personally known to me to be the person whose name is subscribed to the foregoing instrument and upon his oath acknowledged to me that the facts herein are true and correct.

Given under my hand and seal of office this 4 day of November, A.D., 2015.



Notary without Bond

Notary Signature