EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51685
Alfonzo Campos, Sr.
RN107594962
Docket No. 2016-0009-WOC-E

Order Type:
Default Order

Media:
WOC

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
8060 Sims Drive, Beeville, Bee County

Type of Operation:
public water system

Other Significant Matters:

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

Texas Register Publication Date: September 23, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: $436

Total Paid to General Revenue: $0

Total Due to General Revenue: $436

Compliance History Classifications:
Person/CN –N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None
Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: October 2, 2015 and October 5, 2015

Date(s) of NOV(s): N/A

Date(s) of NOE(s): October 7, 2015

Violation Information

Failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water [TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
No longer operates the Facility as of October 15, 2016.

Technical Requirements:
None

Litigation Information

Date Petition(s) Filed: June 21, 2016; July 18, 2016

Date Green Card(s) Signed: Unclaimed; July 28, 2016

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Ian Groetsch, Litigation Division, (512) 239-3400
Ryan Rutledge, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Sarah Kim, Enforcement Division, (512) 239-4728

TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 825-3113

Respondent Contact: Alfonzo Campos, Sr., 107 N. Monroe St., Beeville, Texas 78102

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) *PCW Revision March 26, 2014*

TCEQ

DATES					
Assigned	14-Dec-2015				
PCW	5-Jan-2015	**Screening**	28-Dec-2015	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	Alfonzo Campos, Sr.		
Reg. Ent. Ref. No.	RN107594962		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Minor

CASE INFORMATION			
Enf./Case ID No.	51685	**No. of Violations**	1
Docket No.	2016-0009-WOC-E	**Order Type**	1660
Media Program(s)	All Occupational Licenses	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Sarah Kim
		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$0	**Maximum**	$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** **$250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Adjustment ***Subtotals 2, 3, & 7*** **$0**

Notes: No adjustment for compliance history.

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 $186
Estimated Cost of Compliance $186

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **74.4%** ***Adjustment*** **$186**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with the violation.

Final Penalty Amount **$436**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$436**

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: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **$436**

Screening Date	28-Dec-2015	**Docket No.**	2016-0009-WOC-E	**PCW**
Respondent	Alfonzo Campos, Sr.			*Policy Revision 4 (April 2014)*
Case ID No.	51685			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN107594962			
Media [Statute]	All Occupational Licenses			
Enf. Coordinator	Sarah Kim			

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date	28-Dec-2015	**Docket No.**	2016-0009-WOC-E	**PCW**
Respondent	Alfonzo Campos, Sr.			*Policy Revision 4 (April 2014)*
Case ID No.	51685			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN107594962			
Media [Statute]	All Occupational Licenses			
Enf. Coordinator	Sarah Kim			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.5(a) and 30.381(b), Tex. Water Code § 37.003, and Tex. Health & Safety Code § 341.034(b)

Violation Description Failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water. Specifically, it was documented that the Respondent collected routine samples (pH, temperature, turbidity, alkalinity, and disinfectant residual) that are used for compliance reporting purposes without a valid water operator license.

Base Penalty $5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $4,750

$250

Violation Events

Number of Violation Events: 1 — 13 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 investigation date, October 2, 2015, to the date the Respondent ceased operation at the Facility, October 15, 2015.

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 $250

Economic Benefit (EB) for this violation

Estimated EB Amount $186

Statutory Limit Test

Violation Final Penalty Total $436

This violation Final Assessed Penalty (adjusted for limits) $436

Economic Benefit Worksheet

Respondent Alfonzo Campos, Sr.
Case ID No. 51685
Reg. Ent. Reference No. RN107594962
Media All Occupational Licenses
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	$186	2-Oct-2015	15-Oct-2015	0.00	$0	$186	$186
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to take the test to become a licensed operator, calculated from the investigation date to the date the Respondent ceased operation at the Facility.						

Approx. Cost of Compliance $186

TOTAL $186

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

Compliance History Report

PUBLISHED Compliance History Report for CN604640169, RN107594962, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604640169, Alfonzo Campos, Sr. **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN107594962, CAMPOS, ALFONZO SR **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 8060 SIMS DRIVE NEAR BEEVILLE, BEE COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WATER LICENSING LICENSE WO0036700

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: December 21, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 21, 2010 to December 21, 2015

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

Name: Sarah Kim **Phone:** (512) 239-4728

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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 ENFORCEMENT ACTION CONCERNING ALFONZO CAMPOS, SR.; RN107594962	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2016-0009-WOC-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Alfonzo Campos, Sr. ("Respondent").

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

FINDINGS OF FACT

1. Respondent performed process control duties, as defined in 30 TEX. ADMIN. CODE § 290.38(65), in the production, treatment, or distribution of public drinking water at 8060 Sims Drive near Beeville, Bee County, Texas (the "Facility"), and was required to be licensed under TEX. WATER CODE ch. 37 and 30 TEX. ADMIN. CODE ch. 30, Subchapter K. The Facility provides water for human consumption, has approximately 525 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(69). Therefore, Respondent is subject to TCEQ jurisdiction pursuant to TEX. WATER CODE ch. 37 and TEX. HEALTH & SAFETY CODE ch. 341.

2. During an investigation conducted on October 2 and 5, 2015, an investigator documented that Respondent failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water. Specifically, Respondent collected routine samples (pH, temperature, turbidity, alkalinity, and disinfectant residual) that are used for compliance reporting purposes without a valid water operator license.

3. The Executive Director recognizes that Respondent no longer operates the Facility as of October 15, 2015.

4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and

Requiring Certain Actions of Alfonzo Campos, Sr." (the "EDPRP") in the TCEQ Chief Clerk's office on June 21, 2016.

5. The EDPRP was mailed to Respondent's last known address on June 21, 2016, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk's office on July 18, 2016.

7. By letter dated July 18, 2016, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, 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, as evidenced by the signature on the card. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on July 28, 2016.

8. 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. WATER CODE ch. 37, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2, Respondent failed to obtain a valid water system operator's license prior to performing process control duties in the production, treatment, and distribution of public drinking water, in violation of TEX. WATER CODE § 37.003, TEX. HEALTH & SAFETY CODE § 341.034(b), and 30 TEX. ADMIN. CODE §§ 30.5(a) and 30.381(b).

3. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).

4. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 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. WATER CODE § 7.051, 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 four hundred thirty-six dollars ($436.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

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 four hundred thirty-six dollars ($436.00) 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: Alfonzo Campos, Sr.; Docket No. 2016-0009-WOC-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.

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. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that

Respondent has not complied with one or more of the terms or conditions in this Order.

8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

9. 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.

10. 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	Date

AFFIDAVIT OF IAN GROETSCH

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Alfonzo Campos, Sr." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 21, 2016.

The EDPRP was mailed to Respondent's last known address on June 21, 2016, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 18, 2016.

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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."

Ian Groetsch, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Ian Groetsch, 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 1st day of September, A.D. 2016.

Donna Mae Delgado
Notary Public, State of Texas

DONNA MAE DELGADO
Notary Public, State of Texas
My Commission Expires
NOVEMBER 20, 2016

Notary without Bond